THE CASE OF THE COMMON-WEALTH OF ENGLAND, STATED:

OR,

The *Equity*, *Utility*, and *Neceſsity*, of a Submiſsion to the preſent GOVERNMENT;

Cleared out of Monuments both Sacred and Civill, againſt all the Scruples and Pretences of the oppoſite Parties;

viz. { *Royaliſts*, *Scots*, } { *Presbyterians*, *Levellers*. }

Wherein is diſcovered ſeverally, the vanity of their *Deſignes*, together with the *Improbability* of their Succeſſe, and *Inconveniences* which muſt follow, (ſhould either of them take effect) to the extreme prejudice of the Nation.

TVVO PARTS.

With a Diſcourſe of the Excellencie of a *FREE-STATE*, above a *KINGLY-GOVERNMENT*.

The ſecond Edition, with Additions, collected out of *Salmaſius* his *Defenſio Regia*, and M. *Hobbs* de *Corpore Politico*.

By *Marchamont Nedham*, Gent.

Saluſtius.

Incredibile eſt memoratu, quantum adeptâ libertate, in brevi Romana *civitas creverit.*

Fr. Guicciard. *Hiſtor. lib.* 10.

Liberæ Civitates DEO *ſummoperè placent; eò quòd in iis, magis quàm in alio genere Rerumpub. commune Bonum conſervetur, Jus ſuum cuique æqualiter diſtribuatur, Civium animi vehementiùs ad Virtutem & Laudem accendantur,* RELIGIO *colatur, Sacra peragantur.*

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To the READER.

PErhaps thou art of an Opinion contrary to what is here written: I confeſſe, that for a Time I my Self was ſo too, till ſome Cauſes made me to reflect with an impartiall eye upon the Affairs of this *new Government*.

Hereupon, beginning ſeriouſly to ſearch into the nature of it, with the many *Pleas* and *Objections* made againſt it; And ſuppoſing thoſe learned men who wrote before theſe Times, were moſt likely to ſpeak truth, as being un-intereſted in our Affairs, and un-concerned in the Controverſie, I took a view of their Reaſons and Iudgments; and from thence made ſo many Collections, that putting them in order, and comparing all together, they

ſoon made a *Conqueſt* over me and my *Opinion*.

I know the high Talkers, the lighter and cenſorious part of People, wil ſhoot many a *bitter Arrow* to wound my *Reputation*, and charge me with *Levity* and *Inconſtancy*, becauſe I am not obſtinate like themſelves, againſt Conſcience, Right Reaſon, Neceſsity, the Cuſtome of all Nations, and the Peace of our own. But this ſort of men I reckon *inter Bruta animantia*; among whom to do well is to hear ill; who uſually ſpeak amiſſe of thoſe things that they do not, or will not underſtand. From them therefore I appeale to the *Great Tribunall*, where it is known I have in this dealt faithfully; and to the more ſober Intelligences, here below, with whom theſe Papers muſt needs find the more *free entertainment*, becauſe free from partiality, and the leaſt tincture of *Faction*.

And

And that they may be the fitter to walk abroad in the world, I have divided them into *Two Parts*, and accommodated Them with a *Method*, suitable to those two Parties whereof the world consists; *viz.* the *Conscientious* man, and the *Worldling*. The former wil approve nothing but what is *just* and *equitable*; and therefore I have labored to satisfie him (as I have done my Self) touching the *Justice* of Submission: The latter will imbrace any thing, so it make for his *Profit*; and therefore I have shewn him the *Inconveniences* and *Dangers*, that wil follow his opposition of a *settlement*. Now, though the other should continue *obstinate* in their *erroneous pretences*; yet of this latter sort, I dare promise my Self an abundance of *Proselytes*, the greater part of the world being led more by Appetites of *Convenience* and *Commodity*, than the Dictates of *Con-*

ſcience: And it is a more current way of perſwaſion, by telling men what will be *profitable* and *convenient* for them to do, than what they *ought* to do.

But Prethee read, and then do what thou liſt: I have onely one word more; & that is to our *modern Phariſee*, the *Conſciencious Pretender*, and principall Diſturber of the publique Peace. If hee will not be convinced by ſo clear Teſtimonies, but raiſe more duſt about our ears, to amaze the People, it muſt be concluded; That all this noiſe of *Church-Reformation*, *Conſcience*, and *Covenant*, is a mere malicious Deſigne to drive on a *Faction*, for the caſting down of our preſent Governers, that they may ſet up Themſelves in the Seat of Authority.--- *Farewell*, and be wiſe. Being convinced of the Truth of theſe Things, I conceive my Self obliged, to ſhew others the ſame way of ſatisfaction.

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The Contents of the first Part.

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The Intent of the First Part is, to prove the Necessity and Equity of the Second, to manifest the Utility and Benefit of a Submission.

The Case of the COMMON-WEALTH, STATED.

Part I.

CHAP. I.

That Governments have their Revolutions and fatall Periods.

THE best of *Preachers*, SOLOMON, taking the World for his Text, found no other Application could be made of it then this, That *All under the Sun is vanity*; and this he proveth (as did the wisest of Philosophers) by the perpetuall rotation of all things in a circle, from * *Generation* to *Corruption. Inest rebus cunctis quidam velut orbis, &c.* There is (saith *Tacitus*) as it were a wheeling of all things, and a Revolution of Manners as well as Times. Nor are the huge Bodies of Common-wealths exempted from the same Fate with Plants, Brutes, Men, and other petty Individuals; and this by a certain destiny, or decree of nature, who in all her Productions, makes the second moment of their perfection, the first toward their dissolution. This was observed to our purpose in the present case, by the Master of *Roman* Eloquence, *Idipsum à Platone, Philosophiâ, didici, naturales esse conversiones Rerumpub. ut ea tum à Principibus teneantur, tum à populo, tum à singulis.* I have learned (saith he) out of *Plato's* Philosophy, that Commonwealths are

Ecclesiastes cap. 1.

* *Continua est rebus generatio & corruptio.* Arist. *de gen. & corr.* lib. 12. cap 10.

3 *Annal. Certis eunt cuncta Temporibus. Nasci debent, crescere, & extingui.* Senec. *consol. ad Hel.* —*Numina rebus Crescendi posuere modum.* Lucan.

Cic. *de divin. Numeri fatales, vel perire di.* Plat.

are altered by Turnes into the severall Formes of Government, *Aristocracy*, *Democracy*, and *Monarchy*. Nor can any reason be given for it, besides those rapid *Hurricanoes* of fatall necessity, which blow upon our Affaires from all points of the *Compasse*,

Prudent. *lib. post. in* Sym.

——— *Sicut varia nascentibus* ———
Contingunt pueris animæ, sic urbibus affert
Hora, diésq; suum, cum primùm mœnia surgunt,
Aut genium, aut fatum. ———

Ovid.

——— *Certum est & inevitabile fatum,*
Quod ——— *ratio vincere nulla potest*; quodq;
——— ——— *Omnia certo fine gubernat.*
——— ——— *Sic omnia verti*

Ovid. Metam.

Cernimus, atq; alias assumere pondera gentes;
Concidere has. ———

De Fato vide Lips. *polit.* l. 1. c. 4 *&* l. 6. c. 2. & *in notis ad lib.* 1. *polit. cap.* 4. *Clapmar.* 124. Vide Richter *axiom. pol.* à *pag.* 1. *usque ad* 50. Senec 2. *Nat. quæst.*

The *English* of all is, That as men are borne into the world with soules; so Cities have a *Fate* or *Genius* given them, at the first founding of their Walls; and this Fate is so sure and inevitable, that no reason or wit of man can conquer it, but it directs all things to the appointed end. Now that you may understand what *Fate* is, *Minucius Felix* calls it, *Quod de unoquoq; nostrum fatus est Deus*, that which God hath spoken or determined concerning every man. *It is* (saith *Seneca*) *that Providence which pulls downe one Kingdome or Government, and sets up another; nor is this done leisurely, and by degrees, but it hurles the powers of the world on a sudden, from the highest pinnacle of glory, to nothing.* Hence it is, saith the same Author, (almost in the language of Scripture) that *a Kingdom is translated from one family to another, the Causes whereof are lockt up in the Cabinet of the Deity*, though *Holy Writ* hath left the main cause of such Changes upon record, *viz.* the wickednesse and injustice of Rulers. It is the weight of Sinne, which causeth those fatall Circumvolutions in the vast frame of the world; all things being as changeable as the Moon, and in a perpetuall *Flux*, and *Reflux*, like the *Tides* that follow her Motion; so that *what hath been is that which shall be, and there is no new thing under the Sun.*

Epist. 92.

It was the weight of Sin which sunk the *old world* in a *Deluge*, and hath been the occasion (no doubt) of all succeeding altera-

alterations, by permission of Divine Providence, who lets the men of the world to the fulfilling of their lusts, that he may accomplish his own Fatalities or Degrees by an execution of vengeance. Hence it comes to passe, that the best established and mightiest Governments of the world have been but temporary; witnesse the foure great Monarchies, the *Assyrian*, the *Persian*, the *Grecian*, and the *Roman*; and the time or age of a Government hath by some been reputed * for the most part 500. years. As for example, the *Assyrian* Empire lasted 520. years, till it was ruined by the *Medes* and *Persians*.

Besold. 309.

* Peucerus *de divinat. gen. fol. m. 30.* & Gregor. Richter. *axiom politic. & Oeconom. 5. cum multis aliis.* Herod.

The *Athenian*, from their first King *Cecrops* to *Codrus* the last, continued 490. years, and then it was translated to a *popular Government*.

Isocr. *Symm.*

The *Lacedemonian* Common-wealth flourished much about the same number of yeares, from the time of their Founder *Lycurgus*, to the dayes of *Alexander* the Great, under whom it fell.

Idem.

The *Roman* was governed by *Consuls* about 500. years too, from the expulsion of their Kings, till it was reduced again into a Monarchy by *Augustus*.

After *Augustus* it stood in this Form, about 500. years more, under *Emperors*, till *Valentinian*, the last Emperor of the *West*, was slain at *Rome*, at which time the *Empire* was rent in pieces. The *Vandals*, under the conduct of *Gensericus*, possessed Themselves first of *France*, then of *Spain*, at length of *Africk*, and in *Italy* of *Rome* it self. The *Scots* and *English* shook off the imperiall yoke in *Britain*. The *Burgundians* and *Franks* seized part of *France*. The *Gothes* another part of it, and part of *Italy*, the Country of *Aquitain*, with the seats of the ancient *Cantabrians* and *Celtiberians* in *Spain*, whilst the *Lombards* laid hold on *Gallia Cisalpina*. By which means, the *Emperors* had no certain power in the *West*, after the time of *Valentinian*; so that relinquishing *Rome*, the old Imperiall City, they erected an *Exarchate* at *Ravenna*, which was soon destroyed likewise by the *Lombards*.

Numerus quingentesimus est fatalis. Ultra quingentos annos non durant Regna, ut ostendunt historiæ omnium Temporum. Peucer. *in lect. Chron.* Ann. 70. & 1569.

Illud est abantiquissimâ memoriâ proditum; Civitates omnes Anno quingentesimo converti, aut everti. Bodin. *l. 4. de Repub. c. 2.*

Now, though 500. years be reputed the usuall period of Go-

Etsi periodus fatalis regnorum & Rerumpublicarum, plerumq; congruat ad Annos quingentos; tamen multa regna circa medium huius Periodi defecerunt. Striger. *in Reg. 15.* Peucer. *de Divin. p. 20.*

vernments, yet somehow not attained above half the number: As the *Persian* Monarchy, which from *Cyrus* the first to *Darius* the last, florished no longer then about 230. years.

The *Grecian* having completed 250. after many struglings and bloudy bickerings betwixt the Competitors, was divided into the severall Kindomes of *Macedonia*, *Syria*, *Pontus* and *Egypt*.

* *Hoc est, anno ab V. C.* 244.

The * Kingly government of the *Romans* was abolished, neer the one hundred and fiftieth year after its Institution.

The *Lombards* domineered in *Italy* 240. years, till they were subdued by *Charlemain*, and their last King *Desiderius* banished with his wife and children.

But this is not all; I can tell you of many Royall Families and famous Governments, that have had their fatall periods in a very short revolution of time, not exceeding 100. years. As, in the one hundreth year after the Empire of *Augustus*, the *Roman* government came into the hands of Princes that were strangers, as *Nerva*, *Trajan*, *Adrian*, by nation *Spaniards*.

V. P. Greg. *Lib.* 21. *de repub. cap.* 5. & Greg. Richt. *in Axiom. pol.* *Annus* 100. *est fatalis principibus Familiis.* Matthias Christianus *in spec.* 171. vide Mich. *in Axio. Occ.* 23.

In the *year of our Lord*, 280. *Artaxerxes* erected a new Kingdom of the *Persians* out of the ruines of the *Parthians*.

In the year 300. the *Roman* Empire was committed to the tutelage of Princes *Christian*, as *Constantius* and *Constantine* the Great.

The Empire hath been usually translated from Family to Family, at the end of the one hundreth year.

Anno Domini 400. divers new Kingdoms were raised out of the Ashes of the Empire, inflamed by Divisions, *viz.* in *Italy*, *France*, *Spain*, *Africk*, *Asia* and *England*.

Ibid. *Centesimus periodos fatales esse regni, & regii Stirpibus, ostendunt historiarum monumenta.* Pcu. *in orat. de miraculosa Stella.*

Anno 500. the *Western* part of the *Roman* Empire was extinct, untill the time of *Charlemain*, and swallowed up at *Constantinople* in the *Grecian*.

I could reckon up many more of these short-liv'd Governments. But this may suffice to shew, that (sooner or later) they all have their *fatall Periods*; their Crownes are laid in the dust, and their Glories buried in the Grave of Oblivion. No wonder then, if our *English* Monarchy, having arrived to almost 600. years since the *Conquest*, should now (according to the common Fate of all other Governments) resigne up her *Interest* to some other Power, Family, or *Form*. The late Commotions

and

and Contests betwixt *King* and *Parliament*, were as so many sharp *Fits* and feaverish distempers (which by a kind of *Antiperistasis* are ever most violent in old age) upon the approaching Instants of dissolution. The *Corruption* of the old *Form* hath proved the *generation* of another, which is already setled in a way visible and most substantiall before all the world; so that 'tis not to be doubted but (in despight of* opposition) it will have a season of continuance (as others have had) according to the proportion of time allotted by *Divine Providence*. And this I am the more apt to believe, in regard of its confirmation by a continued *Series* of many signal Victories and Successes, to the envie of all opposers, and amazement of the world: Besides, I suppose it cannot be exemplified in History, that ever Kings were suddenly re-admitted, after they had been once expelled out of a Nation. If any one case of this kind may be produced, there are a hundred to the contrary: So that if it be considered likewise, how the Worm works in many parts of *Europe*, to cast off the *Regall* yoke (especially in *France*, *Scotland*, *Ireland*, and other places) it must needs be as much madnesse to strive against the stream for the upholding of a power cast down by the Almighty, as it were for the *old Sons of Earth* to heap up Mountains against heaven. And when all is done,* we shall find it but labour in vain; that we have but fortified *Castles in the aire* against *fatall Necessity*, to maintain a phantsie of pretended *Loyalty*; the consequence whereof will be, that at length in coole Blood we may have leisure to consider, how foolishly we have hazarded our lives and fortunes, and sacrificed the lives of others, with the common good and peace of the Nation, for the satisfying of an opinionated humor.

* *Irriti sunt conatus humani.* Vide Rich. ter. 684.

* *Nulla vis humana vel virtus, meruisse unquam potuit, ut quod præscripsit fatalis ordo, non fiat.* Ammian lib. 23.

CAP. II.

That the Power of the Sword is, and ever hath been the Foundation of all Titles to Government.

TO cleare this, we need do no more but take a review of thoſe Governments mentioned in the former Chapter, in their Riſe and Revolutions. The World, after the *Flood*, in time grew more populous, & more exceeding vitious, being inclined to rapine, ambition, &c. ſo that the *Patri-familiar* way of Government being inſufficient to correct thoſe grand enormities, there was need of ſome one more potent then the reſt, that might reſtraine them by force. Upon which Ground it was, that *Nimrod*, firſt of all men, complotted a new and arbitrary way of Government, backing it with Power by a party of his owne, that thoſe Crimes which could not be cured by Perſwaſion, might be cut off by Compulſion; and that by a power ſeated in his own *Sword* and *will*, he might oppoſe the wilfulneſſe of others: But he, afterwards abuſing this power, by ſtretching his own *will* too far over other men's *wills*, to the prejudice of their wel-being, and oppreſſion of the Church, became the firſt *Tyrant* in the world; and therefore was called a *mighty hunter*, as having uſed his power to no other end, but to lay the Foundations of Idolatry, and Tyranny.

Vide Peterium *ſupra Geneſin.*

Gen. cap. 10.

Thus you ſee the power of the *Sword* to be the original of the firſt *Monarchy*, and indeed the firſt Politicall Form of Government that ever was; for the maintenance whereof he fortified himſelf in the lofty Tower of *Babil*, the beginning of the *Babylonian* or *Aſſyrian* Government, which laſt name it took under *Ninus*, and from him continued in a Succeſſion of 36. Kings, down to *Sardanapalus*; who was overcome in Battel by a conſpiracy of his Captains; among whom *Arbaces* the Governor of *Media* being chief, reigned in his ſtead, & by his *Sword* tranſlated the Title into his own Family, from the *Aſſyrians* to the *Medes*; with whom it continued in a Succeſſion of 9. Princes, till the *Sword* made King *Aſtyages* give a Surrender to *Cyrus* the *Perſian*, the laſt of whoſe Succeſſors, *Darius*, yeelded it up upon

Vide Juſtinum, *& alios.*

upon the same Termes to *Alexander* the Great, who erected the grand Monarchy of the *Grecians*. King *Philip*, the Father of this *Alexander*, was confined at first within the narrow compasse of *Macedonia*, too narrow for his ambition; and therefore by fomenting quarrels betwixt the *Thebans*, *Phocians*, *Lacedæmonians* and *Athenians*, he found meanes to undermine them one after another, and by his *Sword* made way for a Title, through those petty *Common-weals*, to the Monarchy of *Greece*; which being improved the same way by his Son to the Dominion of the whole World, was lost again to the *Romans* by King *Perseus*, the last of the *Macedonians*, all whose Glories, with those of his Predecessors, served in the end only to aggravate his misfortunes, and magnifie the triumphs of a *Roman* Consul. But the Title to that of *Macedonia* and the other Provinces had been lost from the Family of *Alexander* above 150. years before, it being immediately upon his death handied by the great men of his Army, and his Mother, Wives, and Children slain by *Cassander*; who, with *Antigonus*, *Seleucus*, and *Ptolomie*, having by Conquest rid their hands of all other Competitors, shared the *Empire* between themselves, *Cassander* reigning in *Macedonia*, *Antigonus* in *Asia*, *Seleucus* in *Syria*, and *Ptolomie* in *Egypt*; all whose Successors successively resigned their Titles (as did *Perseus* the last Successor of *Cassander*) to the Sword of the *Romans*.

Veluti, è speculâ quadam, libertati omnium insidiatus, dum contentiones civitatum alit, auxilium inferioribus ferendo, victos pariter, victosque subire regium servitutem coegit. Just. l. 8.

If we look to the Originall of the *Romans*, we find *Romulus* and his Successors, founding a Kingdom upon the ruins of their Kindred, Friends and Neighbors. Next, the *Kingly Title* gained by the Sword and Subtilty, was the same way derived to divers of the 7 Kings, and at length extinguish'd in *Tarquin* by the *Sword of the Senate*; wherewith they drave, and kept him out of his Dominions, and made a Title to those also of other Nations, so far, that in the end they entituled themselves *Lords of the whole Earth*, and so continued, till *Cæsar* wresting the *sword* out of their hands, became Master both of it and them: Most of the Successors of *Cæsar* likewise made way by the *sword* to the Imperiall Chaire; as *Augustus* by the ruine of *Lepidus* and Conquest of *Anthony*; *Claudius*, *Nero*, and most of the rest, by policy, murther, and the Favor of the Soldiery.

At

At length the Sword divided the Empire into *East* and *West*, and in the same manner likewise each of them suffered many titular subdivisions, till new Titles were raised in the *West*, by the *Sword* of the *Gothes* and *Vandals*; in the *East*, by the *Turks* and *Saracens*.

If this be not obvious enough out of profane Histories, take a view of those in *Holy Writ*, where you shall find the *sword* the onely disposer, and dispenser of Titles to Common-weals and Kingdomes. We find *Jacob* on his death-bed, bequeathing one Portion to *Joseph*, above the rest of his brethren; and that was a Parcell which he took out of the hand of the *Amorite* with
Gen. 48. v. 22. *his Sword, and with his Bow*; unto which Parcell the Scripture mentions not any Title that *Jacob* had, but by his Sword. And as for the *Title* which his posterity had unto the Land of *Canaan*, though it were allotted them by divine promise and dispensation; yet (as to the eye of the world) they were to lay claime and take possession by the *Power of the Sword*, and so accordingly they received commission to ratifie their Title, by a Conquest of the *Canaanites*; after which, *Jure gentium*, it became for ever *unquestionable*.

In the History of the Kings of *Israel*, we read, that most of their Titles have been founded upon powerfull usurpation: such was that of *Ieroboam*; who though the Kingdome were designed to him by a Declaration from heaven in the mouth of the Prophet, erred notwithstanding in his over-speedy invading the Soveraignty by force; and that Act of his is branded with the black Character of *Rebellion*. Yet being thus gotten into the Throne, God would not suffer him to be disturbed,
1 Kings 12.24 saying, the *Thing was from him*; that is, by his permission; And so he that was a Traytor in *rebellion*, being once invested by a meer permissive Act of Providence, came to have a positive Right, to the prejudice of him that was his Soveraigne, and to the exercise of Jurisdiction over those, that had been of late his *Fellow-Subjects*.

After *Jeroboam* reigned his Son *Nadab*, who was conquered
1 Kings 15.27 and slaine in Battell at *Gibbethon*, by *Baasha*, who with his Sword setled the Crown upon his owne head, which was worn afterward by his Sonne *Elah*, till he likewise was slain, and the Crowne

Crown by force of Arms usurped by *Zimri*; from whom also it was snatched in the same manner by *Omri*; who died peaceably, and left the Succession to his son *Ahab*, without the least scruple all this while on the Peoples part, in point of submission and obedience to these usurped Powers. Adde to these Usurpations that of *Nebuchadnezzar* over the holy City, which he took by force of Armes, and carried away many of the *Jewes*, with their King *Jehoiakim* into Captivity to *Babylon*; an Action as full of Injustice and Cruelty as most that we read of: yet *Nebuchadnezzar* being once in possession by Conquest, his Title became right and good; as may appear by the Report given concerning *Zedekiah* the Successor of *Jehoiakim*, of whom it is said, that *he rebelled against Nebuchadnezzar*; which implies an investiture of right in *Nebuchadnezzar* by the *Sword*, or els that Resistance of *Zedekiah* could not be called *Rebellion*.

Cap. 16.

2 Chron. c. 36.

Ver. 13.

To come a little nearer, and give you a sight of this Truth in Moderne practises, it will be very convenient a little to examine the Rights and Titles of present Princes to their severall Principalities within Christendome; whom if we trace up to their Originalls, we shall find to have no other dependance then upon the *Sword*. What pretence had *Ferdinand* the *Spaniard* to seize upon the Kingdome of *Navarre*, but onely to satisfie the spleen of Pope *Julius* 2d. and his owne Ambition against the *French*? for which cause to make his way the easier, he set upon *John Albret* unawares, and forced him with his Queen and Children quite out of his Dominions; which he afterward held in possession, and brought the people under his Allegance.

Vide Anto. Nebrissensem *de bello* Navarriensi.

In the same manner, *Philip* the second, with an Army under the Command of the Duke of *Alva*, set upon *Don Antonio* King of *Portugall*, and after he had subdued the Kingdome, laid claime to the Crown as his owne by Right; which he and his Successors held, till that now of late, in the Reigne of *Philip* the fourth it was recovered againe by the Sword of *Don John* of *Braganza*. Fair Titles to the Succession were pretended on both sides; but if either have the better this way, it must be *Don John*, as being descended from *Edward*, a third Sonne,

whereat the Spaniard deſcends from *Elizabeth*, the youngeſt Daughter, of *Emanuel* King of *Portugall*. Yet it ſeems poſſeſſion hath hitherto been held the beſt Title, and the *Portugalls* having of late outed the *Spaniard*, made bold to ſtop his mouth with this Anſwer: *That his Predeceſſor* Philip 2d. *had no Right to the Crowne, it being contrary to their fundamentall Lawes, that any Foreiner ſhould ſucceed in the Kingdome*: And *that it was lawfull for a Kingdome oppreſſed by Armes, by Armes againe to recover its ancient liberty*; which is enough to ſhew, that the *Spaniard* neither had, nor hath any Title, beſide his Sword, to lay claim to the Kingdom of *Portugall*.

Vide Autorem Luſitaniæ *liberatæ.*

That *Arragon* was fairly annexed to the Crown of *Caſtile*, by the marriage of *Ferdinand* and *Iſabella*, cannot be denied; yet it is notorious to all the world, that the *Spaniard* hath ſince this union, uſurped much more in *Arragon* by Force, then his Predeceſſors injoyed before by Right, and dealt no otherwiſe with that Kingdome, then if it were his by *Conqueſt*, exerciſing an abſolute Tyranny therein, as well as other his Dominions. To this end he aboliſhed the ancient and moſt excellent Conſtitution of that eminent Office, called, *the Juſtice of Arragon*; whereto ſome one perſon was choſen by the Vote of the People, who in moſt Caſes had a Power to controll the King. This was ſo great an Eye-ſore to *Philip* the ſecond, that (as *Petrus Matthæus* ſaith) he number'd theſe among the moſt glorious of his Actions, That he had leſſened the power of the *Arragonians*, deprived them of their greateſt Priviledges, and demoliſhed that grand Office, called, *the Juſtice*, the Bulwark of their Liberty: So that what Title the *Spaniard* now hath to tyrannize in *Arragon*, is founded onely upon force and uſurpation. If we turne our eyes likewiſe upon his other Dominions, in *America*, and thoſe here in *Europe*, as *Sicily*, *Naples*, *Milain*, *Flanders*, &c. his Title ſtands in all upon the ſame Termes, *viz. a poſſeſſion by the power of the ſword.*

Covaruv. *pr. Queſt.* 1.

And this is juſt as much Right as his Kinſman the *Emperour* had to lay claim to the Kingdome of *Bohemia*, and afterward to ſeize upon the *Palatinate*; *Bohemia* being an Elective Kingdome that had power of themſelves to chooſe whom they pleaſed for King, and ſo made choice of the Prince Elector *Frederick*,

Ut patet ex aurea Bulla Caroli IV. *c.* 27.

vicke, whom the Emperor made bold to drive out of that and his own Countrey by Force of Arms, because he accepted of the Election; And not onely so, but after *Frederick* was dead, prosecuted the warre, to the prejudice of his Heire, the present *Pr. Elector*, whom he hath constrained to quit his dignity of the *first Electorship*, and retyre to, with the best part of his Dominions, upon hard Termes, to the Duke of *Bavaria*; so that what Title the *Emperour* hath to *Bohemia*, and the *Duke* to the rest, is derived rather from the Sword of *Mars*, than the Scepter of *Jove* by right of Succession.

See *Instrumentum Pacis.*

Feuda Germanica, præcipuè dignitatum illustrium, ex provisione Legis fundamentalis, & consuetudine perpetuâ observantia, ita ad Liberos & Agnatos pertinent, ut nec crimine læsæ Majestatis confiscari, nec bello justo, in præjudicium Liberorum amitti possint. Ut ajunt J. C. *Germani.*

This Act of violence against the *Prince Elector* gave an Alarm to the other Protestant Princes of *Germany*, to defend their Estates by Armes from the Incroachments of the Emperour: and therefore to avoid the inconveniences of emulation between themselves, they made choice of the *Swede* to be their Chief; who, moved partly by the Common Interest of Religion, but especially for severall injuries done him by the *Emperour*, (as may be read in that King's *Manifesto*) undertook the warre, and with his *Sword* hath carved out a *Title* to many fair Countries and Priviledges within the *Empire*.

What Title have the *Swisses*, the *Hollanders*, *Geneva*, &c. to their Liberty, but the *sword*? On the other side, what Title have the *Medices* to domineer over the free States of *Florence*, and *Siena*, to the utter ruine of their Liberties, but only force? whereby *Cosmus* introducing an absolute Tyranny, under the name of *Duke* made himselfe more than a King, and (in emulation of the *Muscovite*) glorified his Successors with the Stile of *Great Dukes* of *Tuscany*.

See *Instrument. Pacis.*

Plenum Regnum est in Florentino *Ducatu, quale plerumque subsequitur Armis oppressam Libertatem.* Besold. *in Synopsi c. 4.*

How the *Pope's* Temporal power (which was once so small) in *Italy*, came to be thus considerable, is easily known, if we take an Accompt of the Actions of *Alexander* the sixth, who, of all the *Popes* that ever were, shewed what a *Pope* was able to doe with Money and Armes, and having a mind to make his Sonne *Cæsar Borgia*, a Prince in *Italy*, he taught him how to make use of the *French* Forces to build himselfe a Fortune in *Romania*,

Nic. Mach. de Principe. c. 11.

upon the ruine of the *Barons* of that Country. And though the *Pope's* intent thereby was not to inlarge the *Church-Dominions*, but to make his Son great; yet after his Sons death, it turned to the *Churches* advantage, the succeeding *Pope* seizing upon all, as Heire of *Borgia's* Usurpations, founded upon blood and treachery. After this *Pope* succeeded *Iulius*, who finding the *Church* thus made great, the Barons of *Rome* quite extinct, and their Parties worn out by *Alexanders* persecutions, found also the way open for heaping up moneyes, never practised before *Alexanders* time; wherewith acquiring Forces, he endeavoured to make himselfe Master also of *Bolonia*, to extinguish the *Venetians*, and chase the *French* out of *Italy*; in most of which Designes he gained happy successe. And thus you see, how his *Holinesse* himselfe came by a *Title* to his *Temporall possessions*; yet as among the *Iewes*, none but the *high Priest* might enter the *Sanctum Sanctorum*, so the *Roman high Priest*, that none might presume to enter upon his Territories, hath ever since gilded these *magna latrocinia*, these great Robberies, with the faire Title of *Saint Peters Patrimony*; so that having intailed it on himselfe first by the *sword* of *Peter*, it hath been the easier ever since by vertue of the *Keyes*, to lock the right Owners out of possession.

Out of *Italy* let us passe into *France*, and there we finde *Charles* the seventh, who, when his Title to the Crowne was adjudged in Parliament lesse valid, than that of the Queen of *England*, appealed to his * *sword*, as the only Protector and Patron of *Titles*. Of this Truth the Realme of France is a most sad example at this day, where the Tyranny of their Kings is founded and preserved by force, not only upon the shoulders of the *Peasant*, but on the destruction of their ancient *Princes*, and the majesty of *Parliament*; which retaines not so much as a shadow of their old Liberty. What is become of the Dutchies of *Normandy*, *Britany*, *Aquitaine*, *Burgundy*, &c.? what Title had the *French* Kings to those Countries, til they worm'd and worried out the right Owners by Force of Armes? What Claim had they to this absolute Domination over *Parliaments*, but Tyrannicall usurpation? yet *Lewis* the † eleventh gloried in the

* *Ad mucronem gladii sui appellavit.* Girard. *l.* 21. Pasquier. 5. *c.* 7.

† *Factitare solebat, suâ potissimùm operâ effectum fuisse, ut Regnum* Gallicanum *quasi ex Tutelâ, ad plenam Pubertatem fuerit redactum.* Besold. *in Synops. c.* 4.

the *Affairs*, as if the *Fleurs de Lys* never flourished so well, as when they were watered with the blood and tears of the People. For, according to the antient Constitution, that Kingdome retained a mixture of *Aristocratical* power; so that the then supreme Court of *Parliament* at *Paris* had a principall share in the Government, and nothing was imposed on the People, but by the Consent of their Deputies: But now, having been mined out of their Authority by the powerfull Incroachments of their Kings, and being overawed by armed Powers held continually in pay for the purpose, their Authority is defunct, and their common Interest in the Affairs of the Publique translated into a private Councell *d' Estat*, which depends upon the meer will of the King: And so the Parliament of *Paris*, which was once the *Supreme Councel*, having surrendred its Title to the *Sword* of the King, serves now onely for a petty *Court of Judicature*, and a meer *Mock-shape* of Majesty. — Thus we see the *French* King's Title to what he holds at home; and if we look abroad, he hath but the same Right to what he got in *Catalonia* and *Flanders*: And yet we must needs say, it is as good every jot as that of the *Spaniard*, whose best Plea is, that his *Theeveries* there have been of a longer *Prescription*. And upon the same Termes, of late years, They have both laine at Catch for the Dutchy of *Savoy*, and severall parcells of *Germany*.

Lehmann. 2. *cap.* 4.

Senatus Parisiensis in Judicium curiam transmutatus. Besold.

See *Malvezzi*, in the Events of the *Spanish* Monarchy.

Here likewise I might sift the Title of the Family of *Oldenburgh* (the stock of the late King) to the Crown of *Denmark*, and of *Denmark* it self to the Dutchy of *Holstein*, but to bring this discourse to a Period, I shall draw nearer home, and make it as clearly appear likewise; that the *Power of the Sword* ever hath been the Foundation of all Titles to Government in *England*, both before, and since the *Norman Conquest*. First, the Sword of *Cæsar* triumphed over the Liberties of the poor *Britaines*, and gave the *Romans* here a Title to their Dominion. Afterwards, their Liberty returning again, when the *Roman Empire* fell to pieces, a new *Title* was setled by the *Sword* of our Progenitors the *Saxons*, who submitted for a Time, upon the same Terms also to the *Danes*, till the *Saxons*, impatient of the yoke, out-acted (by way of Precedent) the *Parisian Massacre*, or *Sicilian Vespers*, and made use of their *Knives*, instead of their

Cæsar *in Comment.*

See the *English* Chron.

Swords, to recover their own Title against the *Danish* Tyranny. Now, if in these nationall revolutions of Government, I should examine those also of the *Regall Families*, we cannot from any examples produce more pregnant instances, concerning the Transitions of *Title* from Family to Family, meerly upon the accompt of the *Sword*: But I wave those, and will take a view of our own Affairs at a lesse remote distance, and see whether *William* the *Conqueror* translated the Government, upon any better Terms into the hands of the *Normans*.

And upon examination it appears, he had no better Title to *England*, then the rest before mentioned had at first to their severall Countries, or than his Predecessor *Rollo* had to *Normandy* it self. For, about 120. years before, it hapned that this *Rollo* issued in the head of a barbarous Rout, out of *Denmark* and *Norway*; first, into the Dutchies of *Frize* and *Henault*; afterward he seated himself by force in the possession of *Rohan*; in a short time of all *Normandy*, and missed but a little of the Conquest of *Paris*.

Histor. Norman.

From him, this *William* was the sixth Duke of *Normandy*; who, though a *Bastard*, legitimated his Title, by the successe of severall Battels, against six or seven of his *Competitors*, more clear in Bloud than himself; by which means having secured his Claim at home, he became the more confident to tempt his Fortune with a design upon *England*. As for any Right to the Crown, he had none, save a frivolous *Testamentary Title*, pretending that it was bequeathed to him by the last *Will* of his Kinsman, K. *Edward* the Confessor, upon which pretence he betook himself to Armes, and with a Collection of Forces out of *Normandy*, *France*, *Flanders*, and other Countries, landing in *Sussex*, he gave Battel at *Hastings*, and established himself a Title by *Conquest* upon the destruction of King *Harold*, and of the * Laws and Liberties of the Nation, as may be seen in all our *Chronicles*.

* Norman. *ille Spurius*, Guilhelmus *dictus*, Anglicanum *Regnum vi occupavit; Legesq; tulit, nullas accepit.* Besoldus *in Synopsi. l.1.c.4.*

After him, his Sonnes, the two succeeding Kings, *William Rufus*, and *Henry* the first, made good their succession by the Sword, against *Robert*, their elder Brother, as did King *Stephen* a stranger against *Maud* the Empresse, the right Heire of that *Henry*. Next to *Stephen* succeeded *Henry* the second, the Son

of

of *Maud*, who, as Heir of his Predeceſſors way of Uſurpation, Quarter'd the Armes of *England* with the Lordſhip of *Ireland*, by the *Sword*; as his Succeſſor *Edward* the firſt, by the ſame means, cemented the Principality of *Wales* to the Kingdome of *England*, with the Blood of *Lewline* and his Brother *David*, the laſt of the *Welch* Princes. Next, *Edward* the ſecond was forced by Armes to ſurrender his Right to his Sonne *Edward* the third, whoſe Grand-child *Richard* the ſecond was in like manner by force of Armes deprived by *Henry* of *Lancaſter*, whoſe Sonne *Henry* the fifth made good not onely that Title, but craved out a new one with his *Sword* to the Crown of *France*, in defiance of the *Salick* Conſtitution; and left it ſo confirmed unto his Sonne *Henry* the ſixth, that he was Crowned King of *France* at *Paris*, and ſo continued, till (Fortune turning) his Title was Cancell'd there by the Sword of the *French*, as it was likewiſe in *England* by that of *Edward* the fourth; whoſe Sonne *Edward* the fifth left the Crown in the bloody hands of *Richard* the third, from whence it was wreſted by *Henry* the ſeventh. This *Henry* (from whom the late King derived his Claime) came in with an Army, and (as one hath well obſerved) *by meer Power was made King in the Army, and by the Army; ſo that in the very Field where he got the Victory, the Crown was ſet upon his Head, and there he gave Knighthood to many of his Commanders.* Upon *this Foundation of Military Power, he got himſelf afterwards ſolemnly Crowned at* Weſtminſter. *And ſoon after, upon Authority thus gotten, he called a Parliament, and in that Parliament was the Crown entailed upon him and his Heirs. Thus both his Crown and his Parliament were founded upon Power: As for any juſt Title, he could have none; for, he deſcended from a Baſtard of* John *of* Gaunt, *which (though legitimated for common Inheritances, yet) expreſſly was excluded from Succeſſion to the Crown. And for his Wives Title, that came in after his Kingſhip, and his Parliament, which had ſetled the Crown before upon him and his Heirs. And he was ſo far from exerciſing authority in her Right, that her Name is not uſed in any Laws, as Queen* Mary's *was, both before and after her Marriage with the* Spaniſh *King.*

See the Chronicles.

Now, having made it evident out of the Hiſtories of all Times, our own, and other Nations, that the *Power of the Sword* ever hath

hath been the Foundation of Titles to Government, it is as clear likewise out of the same Histories, that the People never presumed to spurne at those Powers, but (for publique Peace and quiet) paid a patient submission to them, under their various Revolutions. But it were vain to raise more dust out of the Cobwebs of Antiquity in so limpid a Case, confirmed by the Practises of all Nations: Look nearer our own Times into the warres of *Germany*, and those betwixt the *French* and *Spanish* of late Time in *Catalonia* and *Flanders*; one while you might have seen the same Town under the Power of the *Emperour*, another while under the *Swede*; this year under the *French*, the next under the *Spaniard*, and upon every new alteration, without scruple, paying a *new Allegiance* and Submission, and never so much as blamed for it by the Divines of their own, or any other Nation. Moreover, none can deny, but that as *Henry* the seventh, and the rest before mentioned, came into this Kingdome by meer Power, without Title of inheritance; so the whole Body of this Nation (as one observes) swore Fealty and Allegiance to them, and obeyed them whilst they ruled; yea, doth yeeld subjection to those Laws until this very day. And the learned in the Laws do continually plead, judge, justifie, and condemn, according to those Laws; So that herein the very voice of the Nation, with one consent, seems to speak aloud: *That those whose Title is supposed unlawfull, and founded meerly upon Force, yet being possessed of Authority, may lawfully be obeyed.* Nor *may* they onely, but they *must*, else by the Judgement of *Civilians*, such as refuse may be punished as seditious and Trayterous; the Victors being ever allowed (*Jure gentium*) to use all means for securing what they have gotten, and to exercise a right of Dominion over the *Conquer'd Party*. Whosoever therefore shall refuse Submission to an establisht Government, upon pretence of *Conscience*, in regard of former Allegiances, Oaths and Covenants; or upon supposition that it is by the *Sword* unlawfully erected, deserves none but the Character of peevish, and a man obstinate against the Reason and Custome of the whole world. Let his *pretence* be what it will, Resistance, in the eye of the Law of Nations, is *Treason*; and if he will needs perish in the Flames of his own *phrenetick Zeal*,

Vide Grotium, *de jure Belli*, l. 3. c. 15. *Bello ut alia acquiri possunt, ita & jus Imperantis*, &c.

Zeal, he can at the best be reckoned but the *Mad-mans Saint*, and the *Fool's Martyr*.

Nescio an Anticyram ratio illi destinet omnem. Horat.

Chap. III.

That Non-submission to Government justly deprives Men of the benefit of its Protection.

IF at any time it seem good to the wise disposer of States and Kingdoms (*who puts down one, and sets up another*) to permit the expulsion of such as were formerly in possession, and admit others in their places, it cannot in reason be expected, that those which refuse obedience to their Authority shall receive the Benefit of Protection; and that for severall considerations.

First, because *Protection* implyes a Return of obedience and Friendship, from the persons protected, to those that protect them; otherwise they put themselves into the condition of Enemies, and by the *Law of Nations*, which indulges a liberty unto all that are in power to provide for their own security, they may be handled as Publique Enemies, and *Out-lawes*; wherefore in this Case, so little of protection is due to them, that they may be punished as Traitors, by some shamefull Execution. And it appears out of *Grotius*, in case of *Non-submission*, to new *Lords* after a Victory, the Throats of every Refuser are wholly at their mercy; and all this, *De Jure*. *De Iure Belli.* lib.3.cap.20.

Secondly, there being a necessity of some Government at all times, for the maintenance of Civill conversation, and to avoid Confusion, therefore such as will not submit, because they cannot have such a Governour as themselves like, are in some sense meer *Anarchists*, and destroy the two main ends of all Civill Communion; The first whereof *Aristotle* sets down to be *Publique Safety*, in relation whereunto each Member of the Commonwealth is concerned to have a care of the whole: The second is *Publique Equity*, for the Administration of Justice, encou- *3 Polit.cap.4.* *1 Polit.c.2.& l.2.c.4.& 6.*

encouragement of Vertue, and punishment of Vice, without which it's impossible to enjoy Peace or Happiness. Where this humour reignes, there those two can never be secured, nor any *politicall entente*, good Order, or Tranquillity maintained, which is the very Soul of Government; forasmuch as (say the *Civilians*) the essence of a Common-weal consists, *Rationi Imperandi & parendi; in Imperii & Subjectionis vera ordinatione*, in a due course of Commanding and Obeying, Rule and Subjection: From whence (say they) we may conclude, *Regere & Subjici*, that *Rule* and *Subjection* are founded upon the Law both of God and Nature, and they must needs be Transgressors against both, that upon any pretence whatsoever shall refuse to obey those Powers that are set over them, and open a Gap to Confusion, *ipsa Tyrannide deteriorem*, of far worse consequence than any *Tyrannicall usurpation*.

Arist. 1. Polit. cap. 5. Bellarm de Laicis, c. 5. Molina de Just. & Jure Tract. 2. disp. 26.

Thirdly, private and particular persons have no Right to question how those came by their Power that are in Authority over Them; for, if that were once admitted, there would be no end of disputes in the world touching Titles. It is ground enough for the submission of particular Persons in things of politicall equity, that those which have gotten the Power are irresistable, and able to force it if they refuse: For, as touching this Case (saith the most excellent *Grotius*) *Private persons ought not to take upon them to meddle with these Controversies in point of Title, but rather to follow them that are in possession*. For all Power is from God; and our Saviour told *Pilate*, the Power that he had was given him from above, though all the world knows that *Pilate* was but a Deputy-governour, and (in a civill acceptation) received his Power from *Cæsar*, who was an Usurper. To this accords that of *Bodinus* (1. de repub. cap. 6.) who saith, that *all Governments are lawfull in respect of the first Cause, viz. God; but on the other side, if we regard secondary Causes, all Governments have had their Beginning and Foundation upon Force and Violence*. Now, since all commanding Powers hold their Supremacy from God, and that by the *Law of Nations*. They have a Right to exercise their Power over those whom they hold in possession; Therefore by the Law of God (which damnes resistance against those Powers) and by the same *Law of Nations*,

Judicium sibi privatus sumere non debet, sed possessionem sequi. lib. 2. c. 4.

Respectu primæ causæ omnia Imperia legitima esse concedo; sed si quæras de causis intermediis, &c.

Rom. 13.

Nations, they which refuse submission to those Powers, (be They just or unjust by way of Acquisition) may be justly deprived of their Possessions and Protection.

To those Testimonies before Cited, let me adde one more, to conclude out of *Bocerus*: *Contra Rempublicam quamcunque, superiorem non recognoscentem, si quis aliquid moliatur, is, ut Criminis Majestatis reus puniatur: Non quidem ex lege Julia, sed Jure gentibus communi, quod cujuslibet Imperantis tuetur Majestatem. If any man attempt ought against any Common-wealth whatsoever, that acknowledges no Superiour, he may be punished as guilty of Treason: And this, by the Customs and Law of Nations, which provides for the Authority and safety of all that are in Power.* Now (saith the same Author) *If any person will not acknowledge, nor submit to those that rule the Common-wealth, it is to be presumed that he hath some designe in hand to their Prejudice, and he may be punished accordingly*; which punishment (the Crime being *Treason*) amounts to losse of Life, as well as Possession and Protection.

Tract. de Majest cap. 1.

De Regalibus, c. 3. num. 307.

Chap. IV.

That a Government erected by a prevailing part of the People is as valid de Jure, *as if it had the ratifying consent of the whole.*

Since after the miserable Confusions of a *Civill War*, there is in the end a necessity of some Settlement, it cannot in Reason be imagined (when the Controversie is decided by the *Sword*) that the *Conquerours* should, as to the manner of settlement, submit to the will of the *Conquered Party*, though more in number than Themselves; nor are they obliged to settle the Government again, according to the former Lawes and Constitutions, but may, in this case, use such means as * nature instructs them in, and erect such a Form as they thewselves conceive most convenient for their own Preservation. To this truth we have the Testimony of the most Learned *Grotius*, which I wil set down at large. *In bello Civili, scripta quidem Jura, id est civilia, non valent; at valent non scripta, id est, quæ natura dictat,*

* *Necessitas summa reducit res ad merum Ius naturæ.* Grotius de Jure belli. l. 2 c. 6 Grotius inter Prolegomena de Jure Belli:

aut gentium consensu constituit. In a Civil war, (saith he) written Laws, that is, the established Laws of a Nation, are of no Force, but those only which are not written, that is, which are agreeable to the dictates of Nature, or the Law and custom of Nations. And then that only is Law (saith he) which shall be declared by the *prevailing Party. Jus dicitur esse id quod validiori placuit, ut intelligamus sine suo carere Jus, nisi vires ministras habeat.* That onely which it pleaseth the stronger Party to enact is said to be *Law*, since it cannot accomplish the outward end of a Law, except it be attended by Force to constrain obedience. Hence came it (saith the *Florentine Secretary*) that *all the Prophets that were arm'd, prevailed; but those that were unarm'd were too weak. And therefore it behoves all Legislators to be so provided, that if the People will not be ruled, they may compell them by Force.* Moses, Cyrus, Theseus, *and* Romulus, *would never have been able long to continue the Authority of their Laws, had they been without Arms at Command.* And *Solon* himself, the great *Athenian* Law-giver, declares, he could never have established his Laws at *Athens*, had he not had Power to second Them; and that all those great matters which he effected in founding a Common-wealth, he did,

Grotius *ibid.*

Nic. Mach. *de Principe, c. 6.*

See *Grotius* ib.

Ὁμοῦ βίην τε καὶ δίκην συναρμόσας.

Vim Iusq; parilis copulans vincli. Iugo.

by coupling Law and Force, making Authority and Power walk hand in hand together.

Moreover, as to the late Contest betwixt *King* and *Parliament*, *Grotius* speaks very home to justifie the Parliaments late Proceedings in positive Terms: *Si Rex partem habeat summi Imperii, partem alteram populus aut Senatus, Regi in partem non suam involanti, vis justa opponi poterit, quia eatenus Imperium non habet: Quod ubi fit, potest Rex etiam suam Imperii partem belli Jure amittere*; that is in *English*, if the Authority be divided betwixt a King and his People in Parliament, so that the King hath one part, the People another; the King offering to incroach upon that part which is none of his, may lawfully be opposed by force of Arms, because he exceeds the bounds of his Authority. And not only so, but he may lose his own part likewise, by the * *Law of Arms.* From whence I plainly infer; that if a King may

Grot. *lib.* 1. *c.* 4.

* *Iure Belli.*

may thus, by *Right of war*, lose his share and Interest in Authority and Power, being conquered; then on the other side, by Right of war, the whole must needs reside in that part of the People which prevailed over him, there being no *middle Power* to make any claim: And so the consequence is clear likewise, That the whole Right of Kingly Authority being by military decision resolved into the *prevailing Party*, what Government so ever it pleases them next to erect, is as valid *de jure*, as if it had the Consent of the whole body of the People.

Eventus belli, velut æquus judex unde Iustabat, victoriam dedit, Livius 21.

These Premises thus laid upon a sure Ground, shew the weakness of his, who wrote that so much magnified Pamphlet, entituled, [*An Exercitation concerning Usurped Powers, &c.* For the Designe of that gilded Structure, raised upon the *sandy Foundation* of a false *Hypothesis*, is, obliquely to charge the present Powers in *England* as *Usurpers*, though he have laid the Scene in *America*. To this purpose, he spends his first Chapter; where telling what *Usurpation* is, he defines it *an Intrusion into the Seat of Authority, without any lawfull Right, Title, or calling*; and insinuates it to the prejudice of the present Governers, as if they were guilty of this *Intrusion*, without right or Title. In applying this, he first alledgeth, that the Right and Title to Government is in a *King, Lords*, and *Commons*, co-ordinate in power, not in the Commons alone. This indeed was true, til the King (as I shewed before) lost his Title by *Right of war*, and until the *Lords* likewise lost theirs, by compliance with the Enemies and Invaders of the Nation; for which cause they themselves also, by *Right of War*, forfeited all their Interests and Privileges, as Enemies; and so the whole Authority devolved naturally into the hands of the *Commons*.

But here the *Exercitator* objects also, that the present Governers have usurped over the *majority* of the House of *Commons*, in that they were thrust out of the House by Force. But (for Answer) since by the equity of all Laws, *Accessaries* are punishable as well as those that are principall in the Crime, therefore by the same *Right of war*, the *secluded Members* also, in adhering to the *conquered Party*, even after the Victory, and favouring the *Invaders*, were justly deprived of their Interest, and the *supreme* † *Authority* descended lawfully to those *Members*, &c.

† *Si qui jure suo uti non possunt, eorum jus accrescit præsentibus*: Grotius *de Jure Belli*, l. 2. c. 5.

here, that had the courage to assert their Freedoms, secure their own Interest, themselves and their Adherents, from future Inconveniencies, and take the Forfeiture of those *Prerogatives* and Priviledges of the *King*, *Lords*, and *secluded Commons*, as Heirs apparent, by the *Law of Arms*, and *Custom of Nations*, to an Investiture in the whole *Supremacy*.

One *Objection* more he hath; how that a *Calling from the People, being necessary and essentiall, to a humanely constituted Magistracy*, our present Governors ought to have such a *Call*; but not having it, they are therefore concluded guilty of *Usurpation*. This is the summ of the *Objection*, though not Syllogistically deciphered. To which I answer: 1. That if only a Call from the People constitute a lawfull Magistracy, then there hath very rarely ever been any lawfull Magistracy in the world, nor among us long before and since the *Conquest*. The proofe of this may be confirmed by a Review of those Instances set down before in the second *Chapter*; where it is evident, that all the world over, most *Princes* came into the Seat of Authority not only without a *Call*, but absolutely against the wills of the People, and so, many of them exercise the Soveraignty to this very day: And particularly, here in *England*, most of our own Kings reigned without any *Call*, but made way by their Swords; there being of those 25 Princes that have King'd it among us, not above half a dozen that came to the Crowne in an orderly Succession, either by lineall or collaterall Title: And not any one of those *halfe dozen* but laid claime to it, by vertue of their Predecessors Usurpations, without any *Call* from the People; onely in the Investiture they had their consent, because out of a love of publike Peace, none would, or out of Feare, none durst offer to question their Titles. Now, if the former part of this Objection were true, that a *Call* were the only *Essentiall*, constituting a lawfull Government, then it would follow, that as all the world, so we and our Ancestors have lived and paid obedience for the most part, under an unlawfull Magistracie; which sure no sober man will affirm. But if any will be so mad as to say it, I only propound to him this sober *Quere*, Why we may not now as lawfully submit to the present Magistracy, in case it were unlawfull, as our Ancestors did

did heretofore to theirs, for the publike Peace of the Nation?

2. As to the *Assumptive* part part of this *Objection*, which insinuates, that our present Governors have no *Call* or *Consent* of the People, I answer, That if by the consent be meant the Consent of the Body of the People, or of the major part of their Representatives, this may hold requisite in a State not divided by *Civil War*, but at Peace within it self; where it is most consonant to reason, that in case there be occasion to elect a supreme Magistrate, or Magistrates, the election should be carried by the greater number of *Voices*, in such manner as *Voices* are usually given in that State; But now in a *Civil War* the case is altered, when the controversie touching Government is decided by the Sword: For, *ipso facto* the *Sword* creates a Title for him, or those that bear it, and installs them with a new *Majesty of Empire*, abolishing the old; Because, as the *Civilians* say, *The ancient Majesty of a State or Common-weal continues no longer, if it be changed either by a greater power, or by consent of the People*; where (you see) *force* and *power* is put in equall Balance with *popular consent*, in relation to change of Government. And as if it were the best pedegree of supremacy, they define the *Supreme Authority* to be that which *holds claim from God and the Sword*; *and therefore is also as it were the Author of it's owne Originall, without dependance on any other; so that* (say they) *every Common-wealth, be it never so small, which acknowledgeth no Superior but God and the Sword, hath a Right of Majesty, or politicall Supremacy.* Camman. *disput. de Iuribus Majest.* 1. *Thes.* 70. 75. &c. To this accords that of *Grotius* before recited; *That as in War all other things fall to the Conquerors, by way of Acquisition; so likewise a Right to govern the People, and even that Right also which the people themselves have to Government*; so that what Government soever it pleases them to erect, the People having lost their Right of Election to them, must be as valid *de Iure*, as if it had the Peoples Consent. But as in this case, there is no need of their expresse *positive consent* to justifie a new Goverument; so a *tacit* or *implied consent* is sufficient; which Consent (as one saith well) *is the very dictate of Nature or common Reason, because it is better to have some Iustice than none at all; and there is a necessity of some coercive power or government*,

Majestatem realem durare constat, quamdiu, vel vi majore, vel omnium quorum interest consensu, non mutatur. Besold. *de Majest. cap.* 1. *Dicitur verò summa, quia non alium nisi Deum & gladium recognoscit; atq; ideò suæ Originis quasi Author existit, &c.* Arnisæus *de Majest. c.* 1. *Bello ut alia acquiri possunt, ita & Jus imperantis in Populum, & Jus quod in Imperio habet ipse Populus* Grot. *de Jure belli, l.* 3. *c.* 15.

ment, lest all be left to Disorder, Violence, and Confusion, which none (even of the *conquered Party*) can be so unnaturall as to desire; and therefore (saith * *Suarez*) *They do tacitly consent, that Justice be administred by the Conquerors, because it is a lesse evill to be governed, by them, than altogether to want due coaction and direction.*

*Lib. de legib. 3. cap. 10.

Object.

Now, ere I conclude this Chapter, I must needs wipe away one *Objection* very frequent in the mouthes of many: That this transmission of Title by *Right of war* holds good, when Nation is ingaged against Nation; but in one single Nation within its self it cannot; because (say they) it seems unreasonable that a Nation should challenge a Conquest over it self.

Answ.

To this I answer, that warlick Acquisitions hold as good in civill Divisions within the same Nation, as in war betwixt Nation and Nation: For, where a Nation is ingaged in a *Civill war*, and divided into parties, the eye of the *Law* of *Nations* looks not on them as one Nation, but as two, according to that of *Grotius*: *In Regno diviso, gens una, pro tempore, quasi duo gentes habentur*: In a divided State, one Nation, during the time of its Nationall Divisions, is esteemed as two Nations; so that what preeminence Nation may gaine over Nation by right of *forein war*, the same may be obtained likewise by one part of a Nation against the other, by Right of *civill war*: And what the *forein Conqueror* may doe in changing the Government, abolishing old Laws, and establishing new, the same may be done also by the Civill Victor for his own security.

In Tractat. de Legatis.

Thus by all the Premises it is undeniably evident, in a way of application; *That the present prevailing Party in* England *have a Right and just Title to be our Governours; and that this new Government erected by them, to the subversion of the old, is as valid* de Jure, *as if it had the ratifying Consent of the whole Body of the People: Nor can they in any sence, be counted* Usurpers, *as is most irrationally intimated by the slight* Exercitator.

CHAP. V.

That the Oath of Allegiance, *and* Covenant, *are no justifiable grounds to raise a new War, in, or against the Common-wealth of* England.

HAving in the former Chapters cleared the Right and equity of the present Government, in point of Title, from the slanderous Character of *Usurpation*, I shall in the next place descend to examine the vain Pharisees of such as refuse a Submission thereto, upon pretence of Conscience, in regard of former Obligations. These people are represented unto us under the ordinary Notions of *Royalists* and *Presbyterians*; the the former pleading the *Oath of Allegiance*, the later, the *solemn League and Covenant*, as a Ground for their Refusall.

As for the *Oath of Allegiance*; In a word, *Allegiance* is but a politicall Tie, for politick ends, grounded upon politicall Considerations, and therefore being politically determined, when those Considerations are altered by new Circumstances, (be it in relation to *Cæsar*, or the *Senate*) the *old Allegeance* is extinct, and must give place to a *new*. The same description may serve likewise for the *Covenant*; For, even that part of it which relates most to *Religion*, will be found wrap't up altogether in matters of *Discipline* and *Church-politie*, to serve politick ends and Interests, if the Actions of our *English* and *Scotch* Presbyters, may be admitted as a Comment upon the *Text*, I grant, both those Oaths are *Religious Acts*, as they are solemnized with the Invocation of God, as a Witnesse; but as all Actions are qualified from their principall End; so the maine end of those Oaths being Obedience to the Prince in order to the good of the Publique, they are of a politicall Nature; and when such an alteration of Affairs shall happen as extinguisheth his Title, I conceive we are not obliged, in this Case, to pay him that Submission which by *Oath* we promised, but ought rather to swear a new one, to those that succeed him in the Government.

For, in *promissory State-Oaths* (as these two are) it is granted by all, that there lurk severall *tacit Conditions*, inseparable from

the nature of all Oaths and Engagements; and which are as it were the life and soul of the Obligation: These *tacit Conditions*, or (as Dr. *Sanderson* calls them) *Suppositions*, are set downe by divers Authors, which I shall orderly apply to the matter in Question: One tacit Condition annexed to every Oath is, *That the words of it be duly interpreted, in a fair and equitable construction, not wresting it out of hatred or affection to any Party.* This *Condition* hath been but ill observed by the *Scots*, and others, in relation to their *Covenant*, who will not admit any construction, but what may serve to advance their own owne Designes, and heap hatred upon others: witness their pleading for it in an absolute sence, or their own sence, when as the principall parts of it are limited by expresse Conditions; *viz.* that part which concerns the maintenance of the King, and the Priviledges of Parliament, is circumscribed with this Clause [*In* (or no otherwise than in order to) *the preservation of Religion and Liberty*.] And the other which relates to *Religion*, is as to manner of Reformation, qualified with another Clause, [*viz. According to the word of God*,] so that the old *Statu quo* of King and Parliament was sworn to in a sence but *secondary*, and *subordinate*, so shew that the usuall Priviledges of both might be quitted, if they proved inconsistent with Religion and Liberty; as also that any *Reformation* might be exploded, to make way for one more consonant to the *word*. And certainly, if the present *Presbyterian Whipsters* knew any other way more probable to advance their *Kirk Dominion*, than by making a pretended Plea for Prerogative, a Stalking-horse to the Design, I believe both *King* and *Lords* had been left long since to *God's blessing and the warm Sun* (as they say) in despair of any Comfort from the *Kirk's* Benediction. It seems now to me likewise, That they added this Clause [*according to the word*] not out of any love to a reall Reforming, but onely that they might have a Plea for the pulling down of *Episcopacy*, to introduce another Form more suitable to their own ambitious ends, since that Form that they contend for is as little consonant to the *word* as the other, because they take little thence besides the bare name of *Presbyterie*, to patch up a *Reformation*. These things the world must needs believe of them, till they lay aside their Self-designings, and

Sanders. de Jurament. Prælect. 2. sect. 1. Idem. in sect. 8.

and admit of an equitable interpretation of the *Covenant* in the limitations expressed, or according to that * *Latitudo prudentialis*, the prudential latitude, spoken of by Dr. *Sanderson*, which ought to be considered in all *Oaths*, when the Sence and meaning of them is in question. For, as we ought by all means to beware, that we give not our selves too great a liberty of Interpretation, to the end that we may shake off the obligation of an *Oath*; so none ought to fasten such a sence upon an *Oath*, or any part of it, for their own profit or commodity, which any other pious and prudent man (indifferent and un-interested in the businesse) would not collect and conclude out of the words of the Oath.

* Sanders. *ibid. neve sensum aliquem juramento à nobis præstito, aut ejus alicui parti affingamus proprii commodi aut utilitatis causâ, quem non quivis vir alius pius & prudens (qui est liberioris Iudicii, utpote cujâ nihil interest) ex ipsis verbis facilè eliceret.*

Moreover, if we did grant the *Scots* their own Interpretation; yet it can be of small Consequence to their ends, since the *Covenant* it self is extinct, by reason of the Breach first made by themselves: Let *Grotius* determin this truth, who *lib. 2. cap.* 15. saith, *Si pars una Fœdus violaverit, poterit altera à Fœdere discedere: nam Capita Fœderis singula conditionis vim habent. If one Party break a Covenant, the other is no longer bound to it: For, each particular head of a Covenant, carries with it the force of a Condition*; which Condition in relation to the *Covenanters* is, that either of them observe it with Fidelity to each other. But the *Scots* have been so far from observing, that the whole Nation have been involved in the Breach of it, by dividing the King from the People, the People from each other, and at length by a *perfidious Nationall Invasion*: so that except they can shew us some new Foundation whereon that *Breach* is repaired, the *Covenant* must needs be defunct in point of obligation. For, (aith the same Author) *Fœdus tacitè renovatum intelligi non debet: Non enim facilè præsumitur nova obligatio, nisi ex actibus qui nullam aliam interpretationem recipiunt.* A *Covenant* being once at an end, cannot be supposed to be renewed tacitly: For, a new Obligation is not easily to be presumed, but by such Acts as declare it, and admit no other Construction. Therefore, till the *Scots* and their Partisans can produce evidences of a renovation of the Covenant, by positive Acts of State, they must of necessity grant, that all Covenant-obligations and Relations are expired, between the two Nations of *England* and *Scotland*.

Grotius *ubi suprà.*

A second *tacit Condition* latent in *Oaths promissory*, is expressed in these words, out of the Divinity of the *Stoicks*, by *Seneca*: *Tunc fidem fallam, & constantiæ crimen audiam, si cum omnia eadem sint, quæ erant promittente me, non præstitero Promissum: Alioqui, quicquid mutatur libertatem facit de integro consulendi, & fidem meam liberat.* Then (saith he) let me be accused of falshood and Inconstancy, if when all things remain the same as they were at the time that I promised, I shall not then perform my Promise: Otherwise, any alteration whatsoever leaves me wholly at liberty, and freeth me from my Enagement. And a little after (saith he) * *Affairs ought to be in the same condition they were, when thou didst promise, to bind thee to the performance.* And in his 39 Chapter he becomes more particular, and saith, *In all promises do lurk these tacit Conditions or Exceptions,* Si potero, *if I am able,* Si debeo, *if I ought,* Si hæc ita erunt, *if Things continue as now they are. If you require the performance of my Promise, bring Affairs into the same posture that they were in when I made it: But if any new alteration happen, why dost thou wonder, my condition being otherwise than it was when I promised, that I am changed in my intentions? Render things the same, and I am still the same.*

Seneca l. 4. De Beneficiis, c. 36.

* Omnia debent esse eadem quæ fuerint cum promitteres, ut promittentis fidem teneas.

Si aliquid intervenit novi, quid miraris cum conditio promittentis mutata sit, mutatum esse Consilium?

And that this holds good in *Christian* Divinity, as well as *Stoical*, appears out of the afore-mentioned *Doctor*, whose Doctrine is equivalent, and his Terms convertible with those of *Seneca*, declaring that all *Promises* have these *tacit Conditions, Suppositions*, or *Exceptions*; *Si Deus permiserit*; *if God permit*, which answers to *Seneca's Si potero*; *Quoad licet, as far as lawfully I may*, which answers to his *Si debeo*; *Rebus sic stantibus, as long as things thus stand*, which answers to his *Si hæc ita erunt*: According to which severall *Suppositions* in order, I shall examine both the Oaths of *Allegiance* and *Covenant*, and prove their Non-obligation.

Sanders. Prælect. 2. sect. 10.

1. *Si Deus Permiserit.*

First, No man that enters into an *Oath* or *Covenant*, can be so stupid, as to promise the performance of any thing, without this *tacit Reservation* within his own Soul, that he will do it if *God permit*, considering we can do nothing without him, who exerciseth his Wisdom and Soveraignty in the disposition of all human Affaires, according to that of the Apostle *James*, who

who bid us say, *If the Lord will, we will do this or that.* If so, then having sworn in the *Oaths* before-mentioned, to continue true and faithfull to the King, and his Heirs, &c. it cannot be meant otherwise, then with this Clause, *If God please to permit their continuance in the Government*: But we plainly see God is not pleased to permit their continuance, since all men will confesse, that (at least) by a permissive *Act* of *Providence*, another Form of Government is erected quite contrary to the Old. Therefore if we consider the Oath of *Allegiance* and *Covenant*, according to this first *Supposition*, they are now of no force and obligation; but it may serve to satisfie a private mans Conscience, if in times past he have done his utmost to perform the duties required by those *Oaths*, during the former establishment. *The Reason is* (saith the same * Doctor) *Because seeing all things are subjected to Divine Providence and Pleasure, and that it is not in the power of any man to regulate all accidents which happen in the future; therefore he that hath used his whole endeavour to perform what he promised, hath paid his Allegiance, and fulfilled the intent of his Oath*; the Obligation ceasing when things cannot possibly be effected (as the *Doctor* saith) *ex Impossibilitate Facti.* Prælect. 2. Sect. 12. James 4.

* *Quia cum omnia divina Providentiæ & voluntati subjiciuntur, nec sit in cujusvis hominis potestate omnes futuros Casus præstare; qui Rei Impossibilis nulla est obligatio.* Sanderson. *Ibid.*

fecit quod in se fuit ut adimpleret quod promiserat, Juramenti fidem exolvit.

2. As concerning the *Dr's Quoad licet*, the second *tacit Condition* or *Exception*, it is to be presumed no man swears to any thing, but with this Reservation, *as far as lawfully he may*. If so, then in case it so happen, that we cannot lawfully act in prosecution of those things which we have sworn to, our obligation ceaseth *ex Impossibilitate Juris*; as in the former, by an *Impossibility of Power* in us to effect what we were obliged unto, so in this, by an *Impossibility of Right* in us to act in order thereunto: For, saith he, that is said to be impossible by an *Impossibility of Right*, which a man hath no lawful power to endeavour. But as to the restauration of Kingly Government, now that another is established (by as good a Title (I have proved) as ever the Kingly was) I would fain know what *right* or *lawfull Power*, any private man hath, and which way he can ground it upon. 2. *Quoad licet.*

upon the Oath of *Allegiance* and *Covenant*, to indeavour the destruction of the *New Form* of Government, and a restitution of the Old. For, private persons have no right to question those that are in Power, and *are no competent Judges in Controversies of that nature, nor ought they to meddle with them, but* (as *Grotius* saith) *rather to follow Possession*. Yea, put case they were unlawfully possest, *Usurpers*, *Invaders*, and *Tyrants*, yet the same Author saith, *Privato vi dejicere summi Imperii Invasorem non licet*, It is not lawfull for any private Person to indeavour the thrusting them out by Force.

Grot. de Jure Belli l. 1. c. 4.

Ibid.

Nor is this founded only upon humane Reason, but also upon Scripture. That place in the 13. to the *Romanes* [*There is no power but of God, The Powers that be are ordained of God*] is sufficient to convince every private conscience of the necessity of Submission; that is, to submit to them so far, as not to presume to dispute how they came by their Power; and this course is most agreeable to the sense of all *Expositors*, the practice of all Times, and the voice even of naturall reason, since the opening of a gap to question Supreme Powers, and touch the tender eye of their Authority, would let out all into Confusion; Tumult following Tumult, like Billow upon Billow, till the world were over-whelm'd with a Sea of Miseries and Distractions.

But some may object; If there be such a necessity of submission to *Supreme Powers* without questioning them, how then can this Parliament be justified in having questioned the King, at their first sitting, for divers of his Actions? I answer, there is a difference betwixt *Supreme Power*, and the *Exercise* of it. The controversie was not at first concerning his *Right of Government*, but the abuse of it by way of *male-administration*; in defence of which abuses he took Arms, and so by the *Law* of Arms losing his *Right*, (as is proved before) the Power descended to those that are now in possession, whose Right we ought no more to question, than at first we did his; their power deriving as naturall a pedegree from Heaven as his did, and being as legally confirmed by the *Law of Arms* and *Nations*, as ever that was which he held from his Predecessors. Now, in that the 13. to the *Romans* commands a submission and obedience in general

Object.

Answ.

Termes

Termes, it is not meant to all Powers in the arbitrary exerciſe of their Power in time of Peace, but to all Supreme Powers in point of Title, be it ſetled upon them by * Right of War, Inheritance, or any other way. And to ſupport this expoſition, give me leave here to introduce two of the main Pillars of Reformation *Bucer*, and *Calvin*, men famous in their generations; whoſe Teſtimonies may ſerve once for all, touching that ſo much controverted Chapter to the *Romans*. *The Apoſtle* (ſaith *Calvin* upon the place) *ſeemes here to go about to take away the frivolous curioſity of men, who uſe often to inquire by what Right thoſe which have Command did get their Authority; But it ought to ſuffice us, that they are in preeminence; For, they did not get up to this height by their owne ſtrength, but are ſet over us by the hand of God.* And ſaith *Bucer* alſo, on the ſame place, *When a Queſtion is made whom we ſhould obey, it muſt not be regarded what he is that exerciſeth the Power, or by what Right or wrong he hath invaded the Power, or in what Form he diſpence it, but onely if he have Power. For, if any man doth excell in power, it is now out of doubt, that he hath received that power from God; wherefore, without all exception thou muſt yeild thy ſelf up to him, and heartily obey him.*

* *Poteſtates apud* Ammianum *alioſque dicuntur, penes quos ſunt Jura militaria.* Arnold. Clapmar. *de Jure Imperii. l. 1. c. 10.*

Videtur Apoſtolus voluiſſe tollere frivolam hominum curioſitatem, &c. Calv. *in Rom. c. 13.*

Quum quæritur cui parendum, non eſt ſpectandum qualis ſit qui poteſtatem exercet, nec quo jure, vel injuriâ, quis poteſtatem invaſerit. Bucer. *in Rom. 13.*

Seeing now all *Supreme Powers* are of God, and that the Apoſtle commands ſubjection to them, but damns Reſiſtance, it is clear then, as to our caſe here in *England*, that we owe Submiſſion to the preſent Governors; and that no private man hath any warrant out of the *Word* to ſatisfie his Conſcience in the lawfulneſſe of ſuch Actions, as tend to diſturb or thruſt them out of poſſeſſion; therefore according to this ſecond *Suppoſition* of the *Doctor*, no *Oath* being of Force to bind the Conſcience, further then a man *may lawfully Act*, it follows, evidently (the caſe thus ſtanding) that the *Old Allegiance* is cancell'd, and we bound to admit a *New*; and that both it, and the *Covenant* have now no influence at all over us, but are utterly void, and of none effect.

3. The third *tacit condition* or *Suppoſition* implied in all *Oaths* is (ſaith the Doctor) *Rebus ſic Stantibus*, *as long as things continue thus*; it being to be preſumed, that when I ſwear to performe any thing, I do it with this *tacit Reſervation*, if I be not hindred

3. *Rebus ſic Stantibus.*

hindred by an alteration of Affairs: But if such an alteration happen, that neither the same persons nor things are in being which I swore to maintaine my Oath is at an end, and the obligation ceaseth; which now is our very Case here in *England*, the Government being changed, and new Governors set over us. For this the learned *Grotius* hath one instance very pertinent to our purpose. *An Oath* (saith he) *binds a man no longer, if the quality or condition of the person to whom he swore, be altered: As for example, if he that was a Magistrate cease to be a Magistrate.* In evidence whereof, the same Author alledgeth a saying of *Cæsar's* to the Souldiers of *Domitius, when Domitius* was a Prisoner. They were unwilling to serve *Cæsar*, because of the military Oath they had taken for the other: But to take away this scruple, saith *Cæsar* to them, *Sacramento quidem vos tenere qui potuit, quum projectis fascibus & deposito Imperio, privatus & captus ipse in alienam venisset potestatem?* How can he hold you bound by *Oath any longer, being outed of his Authority and Command, remaining a private man, and a prisoner under the power of another?* Alas, * *your Oath ended together with his Authority.*

Non tenebitur, si cesset qualitas sub quâ alicui juravit; ut si Magistratus desinat esse Magistratus. Grot. lib. 2. cap. 13. de Jure belli.

* *Sacramentum capitis diminutione subtatum.* Ibid.

Thus also, according to this *third Supposition* of the *Doctor's*, it is plainly to be inferred; that since Affairs of State stand not now in *England*, as they were when we took the *Oath of Allegiance*, or the *Covenant*, but a *new Government* is erected; therefore our obligation to the former is totally extinguished. And if the obligation be extinct (as I have proved in the several particulars before-mentioned) then the consequence is as plain, that neither of those *Oaths* can be a ground sufficient to justifie any *Royalist* or *Presbyterian*, in denying a submission to the present Government, or to raise a new war within the Nation.

Part

Part II.

HAving in the former Part (as I think) fully manifeſted the *neceſſity* and *equity*, my deſigne in the next is, to ſhew the *utility* and Benefit of a Submiſſion: This I ſhall doe, by ſtating the nature of the Deſignes of the ſeverall Parties claiming an Intereſt in this Nation;

Viz: ROYALISTS. SCOTS. PRESBYTERIANS. LEVELLERS; as they ſtand in oppoſition to the preſent Government, and would each of Them introduce a New *Form* of their owne. And that you may the better underſtand Them and their Affaires, I ſhall in plain Method (for the more eaſie Conviction) proceed upon theſe Particulars:

First, *The great Improbability of effecting their Deſignes.*

Secondly, *The grand Inconveniences which muſt needs follow, in caſe either of Them be effected, to the prejudice of the whole Nation.*

Thirdly, *The Excellency of a free State or Common-wealth, as it is now eſtabliſhed in* England, *and what happineſſe we may reap thereby.*

After I have handled the 2 former, as they hold relation to the ſeverall *Parties*, I ſhall bring up the *Rear* with the *Third*, by way of Concluſion.

CHAP. I.

Concerning the Royall *Party.*

THE *Royaliſts* are of two Sorts. *Firſt*, ſuch as adhere to the *Prince* out of *neceſſity*; *Secondly*, ſuch as adhere to him out

of *humor*. The former are Those, who being hopeleſſe of a Return, or of the recovery of their Fortunes, by way of Reconcilement, are conſtrained to run any hazard abroad with the head of their Party, and turne every ſtone to over-turn the preſent Powers here in *England*, that they may ſet up Themſelves. The latter Sort of *Royaliſts*, are ſuch, as though they ſerved heretofore under the *Royall Standard*, yet, through the Favour of the Parliament, have re-gained poſſeſſion of their Eſtates: And therefore being re-inveſted with their Fortunes, They are loth as yet to attend the *Prince* in perſon, though they follow him with their wiſhes, and would be glad to imbrace any Deſigne underhand, or perhaps (when time ſerves) appear here again in the Field, to make way for his Advancement. Theſe may (not improperly) be called *humorous Royaliſts*, becauſe they have only an obſtinate and *vain-glorious humor* for the ground of their behaviour, without any reſpect of Advantage to Themſelves, but are ridden by the other to carry on the *high-Royall* deſigne of Particular perſons, and run a new hazard of their own. To reſtore the ſingle Family of a *Prince*, ſuppreſſed by the *Almighty*, they ſeeme willing to Venture the deſtruction of all their own Families; and to ſerve the ends of certain Perſons about him, men whoſe Fortunes are deſperate, they are apt to foole themſelves into the loſſe of their owne; as they muſt needs doe, if the *Prince* miſ-carry in his Enterprize, whereas if he ſhould carry it with Succeſſe, They will be then but where they were, They can be but *Maſters* of what they have already. The *high Ranters* and Fugitives are they that will be look't on at *Court*; Thoſe *Bell-weathers* of *Royalty* will *bear away the Bell of Preferment*, whilſt the poore *Country-Royaliſts* (both *Gentry* and *Yeomen*) ſhall be glad to drudge and plow, to pay thoſe yet unknown *Taxations*, which muſt needs be collected, to ſatiſfie the *forlorn Brethren* of the *Sword*, the many *yonger Brothers*, and *Strangers*, which will come in with the *Grandees*, in hope to purchaſe a Fortune by ſqueezing the Publique.

All which being conſidered, it is a wonder to ſee, how They feed Themſelves with Phanſies, who pretend in this Nation to the reſtitution of *Royalty*; how their eyes are dazled with that *Sun* which ſeems to riſe upon their Party, ſuppoſing the *golden Age*

Age must needs return again with him, and that he will climb up to the *Meridian*, in ſpight of all oppoſition: But to give them a Cooler for theſe Conceits, I ſhall more particularly, according to the Method before propounded, ſhew firſt the Improbability of Succeſſe in the new *Royall Deſignes*; and then, the grand Inconveniences that would follow ſuch a Succeſſe, that all miſtaken Perſons may ſee, how far they wander (to the hazard of themſelves) out of that way, which leads to the future happineſſe of this Nation.

As to the *Improbability* of the *Prince's* Succeſſe in his Deſigne, Firſt, he is like to have but a ſlender Supply of *forein Aids*: For, the Affairs of *Chriſtendom* are at this time ſo diſpoſed, that ſome Princes want leiſure; others ability to aſſiſt Him: And divers there are which refrain, for particular *Reaſons of State*. The *Spaniard* hath other *Fiſh to frie*, keeping a ſerious eie upon *France*, and lying at Catch againſt *Portugal*. Beſides, there are ſeverall Reaſons (not fit here to mention) which may diſpoſe him rather to imbrace the Amity of this *Common-wealth*, as it is now eſtabliſhed; and whereof there is ſome hope (were there no other ground) in that he hath given our *Agent* a friendly reception.

So likewiſe hath the King of *Portugall* too another *Agent*; and how far he is from neglecting our Friendſhip, may appear by his Demeanour toward our Fleet, in the Port of *Lisbon*, where he hath given them the like Freedom and entertainment as he doth to *Rupert*, carrying himſelfe indifferently between both, though he ſeem a little to incline ſomewhat more toward *Rupert*; not out of any good will, but only in regard of his Pre-engagement to that Party.

The King of *France* hath his hands full enough at home, ſo that he hath little liſt or leiſure to mind Affairs abroad; being jealous not only of the *Spaniard*, but even of his owne Subjects, by reaſon of their regret at the inſupportable Taxes, the Diſcontents and Bandyings of his Parliaments in the ſeverall Provinces, and the Partiſans of the *Impriſoned Princes*; all which ſeem to threaten (if not the *Monarchy* it Self, yet) the Family of the *Monarch*.

Denmark hath hitherto given but a coole Acknowledgment

of ſo neare an alliance, having been (at the beſt) but a Retiring-place for *Montroſe*, ſeconding this with ſome other ſlight ſuperficiall courteſies; one of the beſt of which was (to rid their hands of their Gueſt) by lending him a few *Bottoms*, firſt, to ſeek his better Fortune in *Swethland*, and then to waft him and his *Forlorn hope* toward their long homes, into *Scotland*.

Some ſuch triviall Supplies likewiſe may be expected from the *Swede*, with a few Complements from the *Emperour* and *German* Princes, their jealouſies of each other not permitting them to ſpare their Forces: For, whoſoever conſiders the Delayes and Shifts made by the *Emperour* and his party, in performing the Articles of Peace; and on the other ſide, the reſolution of the *Swede* and that Party to have them fully performed (together with thoſe heart-burnings among them, which break out often into Flames in every Corner) may eaſily imagine the peace of *Germany* is not long-liv'd, and therefore that neither of thoſe *Princes* will part with many of their Soldiery.

The *Hollanders* eſteem it a ſafe way to conform themſelves ever to the Prevailing Party in *England*, having Reaſon, above all others, to prize the Friendſhip and Amity of the *Engliſh* Nation. And though ſome common Courteſies are expreſſed there to the *Prince* by way of entertainment; yet theſe are done rather to comply with the deſires of the Prince of *Orange*, than out of any inclination or affection to the *Royall Party*; whereas the Sence of the *States Provinciall* (and in them the meaning of the whole People) is, to preſerve a ſtrict Correſpondence with the Common-wealth of *England*. Nor do they reliſh thoſe cloſe Combinations between the Prince of *Orange* and his *Brother*; fearing ſo great an Alliance may diſpoſe *Orange* to aſpire, and eſtabliſh a greater *Intereſt* of his own than is meet for a Member of a Republique, if *Monarchy* come to its height again in *England*; which they ought by no means to deſire, but rather that *England* ſhould continue as it is; not onely for the former Reaſon, but alſo, for that ſuch a *Neighbourhood* would be concerned in Reaſon, to admit Them into a nearer Friendſhip and Complication of *Intereſts*, than ever they can hope from a *Monarchy*.———

Theſe things being conſidered, the *Prince* hath ſmall hope of Succeſſe,

Succeſſe, in regard of any conſiderable Supplies from *Forein Princes.*

Secondly, Put caſe he can, by the help of the many *fugitive Engliſh*, the *Scots*, and Supplies drain'd out of the Dregs of ſeverall Countries, make ſhift to patch up an Army, or two, to trie his Fortune, yet 'tis ten to one but They ruine his Deſigne. For, firſt, the introducing of *Forrainers* will ſoone alienate the Affections of the *Engliſh*, as experience hath proved in all times. *Secondly, Auxiliatores conducti ex diverſis locis, nec diſciplinâ inter ſe, nec affectione conſentiunt.* † Mercenary Auxiliaries that are collected out of ſeverall Nations, ſeldome agree either in diſciplin, or Affection. The reaſon of this is given by the ſame Author: For (ſaith he) ſince the *Cuſtomes of Nations are diverſe, therefore men of ſeverall Countries, differing both in habit and manners, cannot long continue together, without diſcovering an Antipathy or Contrariety in their natures, even to the ruine of that Party with whom they are ingaged.*

† Petr. Greg. Toloſ. *lib.* 11. *de Repub. cap.* 3. *pag.* 656.

To paſſe by the Teſtimonies of many other *States men*, we have two very pertinent ones afforded us out of our own Affaires: witnes that emulation diſcovered between the *Scots* and *Engliſh* in the *Hamiltonian* Invaſion; and alſo of late, between the *Engliſh* and *Iriſh* under *Ormond* in *Ireland*, whereupon the *Engliſh* choſe rather to joyn with the *Parliament-Party*, than continue any longer ingaged with the *Iriſh*. Laſtly, Thoſe *Forrain Mercenaries* will, upon the leaſt misfortune of War, deſert the *Prince*, and take up Arms under the *Parliament*. For (as ſaith *Patritius*) The * Faith of *Mercenaries* depends upon Fortune, and if ſhe turn to the *Adverſe Party*, thither They follow, and incline their hopes and affections. Yea, ſo little truſt is to be given to theſe *Mercenaries*, that notwithſtanding their Condition be good, yet (ſaith another) † They are eaſily corrupted with Money, and with rewards and promiſes of better Pay, bought over to any other Party; reſpecting gaine much more than the Cauſe of their Engagement. Judge then, how the *Prince* is like to thrive with his *Forrain Auxiliaries*, if he ſhall have any, either in *England* or *Scotland*; for, the Reaſon of theſe Things holds good in one Nation, as well as another.

* *Mercenarii militiæ fides extortunæ pendet: quâ inclinante ad hoſtes, ipſi etiam ſibem atq; animum eò inclinant.* Franciſc. Patrit. lib. 9. de Reg. Tit. 15.

† *Solent plus lucrum quàm cauſam ſequi bellandi: Et ità facilè ab hoſtibus, vel majore ſtipendio, vel donis, corrumpi poſſunt.* Petr. Greg. Toloſ. ubi ſupra.

Thirdly, ſince it appeares how ſmall Succeſſe he is like to have

by the Aides of other *Princes*, let us see whether he have any better hopes by Forrain Aid out of *Scotland* or *Ireland*, to make a Conquest of *England*. As for *Ireland*, he hath but poore expectations thence, since the *Lord Lieutenant* hath swept away those Adversaries with the Besome of Vengeance, and made way by a continued chain of miraculous Successes, to Shackle that Rebellious Nation; and doubts not ere long, to *bind their Princes with Chaines, and their Nobles with links of Iron*, since every month brings in fresh *Laurels* of Victory, to their Terror and amazement. But *Ireland* being given for lost, let us see next, whether the *Royallists* are like to receive any more comfort from *Scotland*: Its an old saying, *Nullum bonum ex Aquilone*, No good comes out of the North; and of all others, *Royallists* should be the least apt to beleeve any benefit to come out of that *Nation*, from whence proceeded the Ruine and Destruction of the late *King*, and all their Party; nor can they hope much better of them in time to come. For, *first*, They adhere to the *Prince*, not out of any love to his *Interest*, but onely in hope to settle their own upon his Shoulders; and therefore if they can make a better Bargain elsewhere, they wil cast him off, or (if he be in their power) sell him off (as they did his *Father*) upon the first occasion. What else can he expect from a Party, whose *Interest* was first founded upon the ruine of his *Great Grand-mother*, continued and augmented to the perpetuall vexation of his *Grand father*, and at length prosecuted to the destruction of his *Father*? *Secondly*, it is impossible to reconcile the two Parties, *Royall* and *Presbyterian*, even as impossible (*King James* was wont to say) as to reconcile *God* and the *Devill*. *Thirdly*, if They cannot be reconciled or stand together, then whatsoever Agreemens may be made, it will be but from the Teeth outward; nor can there be an union betwixt them upon any designe, but in the prosecution thereof they will mind the advancement of their severall Interests, which must make them jealous of each other, divided and partiall in their Counsels, and cause the inward rancor to break out, to the prejudice and utter ruine of the whole Engagement. *Fourthly*, let the *Scots* invade us again upon the *Royall*, or what score else they please, They will never be endured (especially in the *Northern* Parts) having

having heretofore by their perfidious and Tyrannical behaviour, fixed an odious Impreſſion upon the Spirits of the People, and quickned the old Antipathy betwixt the two Nations: So that, if the *Prince* come in with them, or by them, he will fare never the better (but much worſe) for their Sakes, or their Company. *Laſtly*, they come (if they dare come) a moſt naſty, lowzie, beaten Generation, againſt one of the moſt generous, beſt accompliſhed, and moſt Victorious Armies in *Chriſtendome*; an Army that muſt needs be diſhonoured by ſuch an Enemy, from whom neither Credit nor Advantage is to be gotten; yet it is meet they ſhould be chaſtized, ſince the *Almighty*, out of love to the future Peace of our Nation, ſeemes to decree, that *Belial* and *Dagon*, *Montroſe*, and the *Kirk*, with her *Worthies* ſhould be ſent after *Hamilton*. This indeed, would be a fair ſtep to *Reformation*, by letting out the Corruption of that Country, which ſticks like a *Scab*, upon the faire Body of this *Fortunate Iſland*.

Now, in the laſt place, to conclude this particular touching the Improbability of the *Prince's* Succeſſe, ſince he hath little ground to hope for any by the aſſiſtance of other *Nations*, let us examine what hope he hath from our own. Severall Reaſons may be given to the contrary; As firſt, the People's hatred of *Foreiners*, and their feare of that Plague, univerſall *Free-quarter*, with their averſneſſe to War, having taſted ſome time of the Sweets of *Peace*; And though they are ſenſible of ſome neceſſary Burthens, yet conſidering another War will increaſe new ones, more exorbitant, every man would be content with things as they are; for, the Common people (as the *Poet* ſaith)

——Duas tantùm res anxius optat,
Panem, & Circenſes.——

Juvenal.

will be ſatisfied with Bread and Quietneſſe, rather than hazard their Eaſe and Security, to ſerve the Ambition of others.

Secondly, They will be the leſſe apt to engage in any new *Inſurrections* and Parties, ſince the laſt thrived ſo ill, to the Prejudice and ſhame of all the Undertakers: Examples make Men wiſe; and though many of them eſcaped without puniſhment, in regard this * Government was not then declared; yet now

* See the *new Acts* of Treaſon, and the *Act* for eſtabliſhing an *High Court of Juſtice*.

now that it is *established*, and Laws are made to defend it against all that offend in time to come, men will beware (I suppose) how they meddle, since they can expect nothing lesse after another War, than the punishment of *Traitors*.

Thirdly, Put case the Counties were resolv'd upon *New Insurrections*, yet what can be done by unweildy Bodies of raw Men, taken from the *Streets*, the *Plow*, or the *Harrow*; rude, and unacquainted with *Military Discipline*, against a well-disciplin'd Army of *Old Soldiers*? Consider what became of those vast numbers in *Kent*, *Essex*, &c. with what ease they were dispersed, and how soon they vanished into nothing!

Fourthly, It is not like, that the *Gentry*, men of *Estates*, will stir in any considerable number, to hazard their Possessions, being yet scarce warm in them, after a *Purchase* made upon dear rates of Composition; But if any are so mad as to venture on new Designes, they might do well to consider how hard a matter it is to carry them on without discovery, seeing the *State* hath a Party and Friends, in all Countries and Corporations. Besides, if They could carry it so close, as to bring any petty designe into Action, yet they cannot but be snap't, and *nip't in the Bud*, the *Militia* being so well setled, and a Party ready in Armes in every County——Now, all these parcells of discourse being well weighed together, I leave every mans *Intellect* to make the Conclusion; what slender probability of Successe there is, by the assistance of *Forainers* or *Natives* in the present *Royall Designe* against *England*.

Having thus, in the former part of this *Chapter*, shewn the Improbability of Successe in the new *Royall enterprize*, which were enough to wean Wise men from engaging upon that *Score*, I shall (according to the *Method* propounded) in the next place state those *Grand Inconveniences*, which would unavoidably follow to the prejudice of the whole Nation, in case the *Royallists* should proceed with Successe, to the ruine of this *Government*: The very consideration whereof should (me thinks) be sufficient to startle all understanding men, from wishing well to that *Party*.

First, since there can be no *Medium* of Reconcilement betwixt our present *Governours* and the *Son of the late King*, it is granted

granted by all, that if ever he come into poſſeſſion, it muſt be by *Conqueſt*, and the *Power of the Sword*: If ſo, then he will be as abſolute as was *William* the *Conqueror*, and we all muſt be in the ſame ſlaviſh Condition, as our Fore-fathers were, under the Tyranny of that *Norman Baſtard*. That Government which heretofore was called *Monarchical* will then be exactly *Tyrannycall*, according to that ſaying of prudent *Cicero* in one of his Epiſtles; *Ex victoriâ cùm multa mala, tum certè Tyrannus exiſtit.* As many other miſchiefs, ſo certainly, *a Tyranny ever followes a Conqueſt*. And therefore it was that when * *Henry*, the Son of *Maud* the Empreſſe, contended for the Crown by Armes againſt King *Stephen*, and was like to prevaile, the Eſtates of the Realm wrought an Accommodation betwixt them, upon this Ground, becauſe *they conceived it dangerous for them, and the whole State, to have a young Prince get the Maſtery by his Sword*: For, Princes ever improve ſuch kinds of Victory to an Advantage over the People, and Succeſſe makes them cruell; witneſſe the ſavage Proceedings of *Edward* the Second, againſt his *Lords*, after he had overthrown them in Battell, in the Northern Parts; executing their Perſons, and confiſcating their Eſtates, as Traitors, ſo that he is noted in our *Chronicles*, to be the firſt of all our Kings, after the *Conqueſt*, who to proſecute his Revenge gave a Precedent of Butchering the Bodies of the *Engliſh* by *Beheading* and *Quartering*. This may be enough to ſhew, that to bring any Prince into poſſeſſion by the *Sword*, is to inſtate him in a *Tyranny*.

Cic. *ad* Art. 7. *Epiſt.* 5.

* He was afterwards King, by the name of *Henry* 2. See *Daniel.* in the life of King *Stephen*.

Daniel. in *Edw.* the Second.

Secondly, Though the Prince of himſelf ſhould not be inclined to *Tyranny*, yet his followers having a Power over him, will ſoone perſwade him to it. *Nam Legitimum Regnum convertitur in Tyrannidem, aut Dominatum, cùm Aulo-politicis (qui plerumque odio proſequuntur libertatem) facilè autem præbet Princeps.* For (ſaith one) a well-regulated Government is ſoon changed into a Tyranny call domination, *when a Prince gives ear to Court-politicians, who (for the moſt part) are enemies to Liberty*. And as to our preſent caſe *Machiavel* ſpeaks very aptly; that *a Nation which hath caſt off the yoke of Tyranny or Kingſhip*, (for in his language they are both the ſame thing) *and newly obtained their Liberty, muſt look to have all thoſe for Enemies, that were Familiars and*

Beſold. *in Cap. de morbis reſumpub.* p. 3. 12.

Mach. *de Repub.* l. 1. c. 16.

Retainers to the King or Tyrant, who having lost their Preferments, will never rest, but seek all occasions to re-establish themselves upon the ruines of Liberty, and to aspire again unto a Tyranny; that exercising an arbitrary Power, they may take the more sharp Revenge, against all those that dare but pretend unto Liberty.

Thirdly, seeing that (as things thus stand) to have a *King* again invested by the power of his own *Sword*, were all one as to have a *Tyrant* erected, with an *Arbitrary Power*, to doe what he list, it will not be amisse to take a view of the effects and Consequences of *Tyranny*. As first, a * trampling of all Lawes under Foot, *Secondly* using all sorts of (a) Crueltics and Rapine. Hence it is that *Cato* called a King (b) *Carnivorum Animal*, a Ravenous Creature; and by *Homer* in the first of his *Iliads*, a King is called Δημοβόρος βασιλεύς, a Devourer of the People, so that no mans Life or Estate is in safety, if they have a mind to bereave them of either; and for this purpose, *Tacitus* saith, they alwayes (c) keep false Accusations and Witnesses in *Lavender*. *Thirdly*, no (d) good man can live safe by them, nor any man that is eminent for Valour or Vertue; according to that of the Tragedian *Seneca*,

Servare Cives Principi & patriæ graves,
Claro tumentes genere, quæ dementia est?

aliena virtus formidolosa est. Salust. *Nec minus periculum ex magnâ famâ,* Tacit. Agric.

Who acting the Part of a *Tyrant*, saith, *It is a madnesse to preserve great Persons, when they once grow burdensome to their Prince and Country.* Thus *Tarquin* taught his Son *Lucius* to secure his Tyranny, by striking off the Heads of those *Poppies* in his Garden, which grew higher than thir Fellowes; whereupon his ingenious son gave the world to understand, as well as himselfe, what his Fathers meaning was, when afterward he destroyed all the principall men among the *Gabians*, by Force, Treachery, and false Accusations. No matter whether things be justly done, or not; for, a Tyrants *Maxims* are such as this, out of *Lucian*,

Sceptrorum vis tota perit, si pendere justa
Incipit.

* *Leges opprimit Timor.* Sen. Herc. Eur.

(a) *Auferre, trucidare, rapere.* Tac. in Agric.

(b) Plutarch *in vitâ* Catonis.

(c) *Delatores per præmia eliciunt.* Tacit. *Annal.* 4.

(d) *Boni quàm mali suspectiores sunt, semperque quam ex malâ.*

That

That Prince's Scepter is not worth a *Rush*, who stands upon Justice and honesty. *Cæsar* hath left it upon Record of himselfe, as *Thucydides* hath of *Euphemus*, and *Euripides* of *Creocles*: † That *all Lawes may be violated, to make way to a Domination*; That * *a man may be wicked to obtain, or maintain, an absolute Soveraignty*; That *a Prince* [a] *ought to account nothing unjust which is profitable*. To which may be added one more out of [b] *Seneca*, That *where a Prince hath no power to doe ought but what is just, he reignes but by Courtesie*. These are the usuall Rules by which *Tyrants* steer their Courses; and therefore it concernes all men to forbeare their assistance, to any that endevour to re-settle a King by the power of the Sword, lest he seat himselfe as a *Conqueror*, and so slip into an *absolute Tyranny*. For,

It is seldom, that Kings forbear an *arbitrary Power*, if they can by any means usurp it, over the People: and though there may sometimes happen a good King that will not make use of it to their Prejudice; yet even then the People are not safe, † *because* (saith *Salust*) *it is in his power to be wicked if he please*.

Fourthly, If he come in by the *Sword*, there will be no *Act of Oblivion* passed before-hand; and if he gaine possession, it is a Question then, whether he will grant any afterward; or if (for fashion sake) he doe grant one, how farre it shall extend, and whether it may not be eluded, to make way for revenge against particular Persons, who (perhaps) little dream of an Inquisition for past Offences, as being of the *moderate Sort* of Offenders against the regall Person and Prerogative. All these *Quæres* are well worthy every mans Consideration, since *revenge* is esteemed *inter Arcana Imperii*, one of the speciall mysteries in the Cabinet-Counsells of *Royalty*. For, with them, as *Tacitus* saith, *Ultio in Questu habetur*, Revenge is counted great gaine, and prized as the prime Jewell of a Crowne. It is so * sweet a Morsell, that even the best of Kings could not refraine it; as may be seen in the practices of *David* and *Solomon*. We read how *David* pardoned *Shimei* for a time; and he seemed so earnest in the doing it, that one would have thought, the Offence should never have been remembred; Also, how he forbore to revenge himself upon *Joab* all his owne daies; yet being to die, he gives charge to his Son *Solomon*, not to let them escape unpunished, but that he

† *Regni causâ jus violandum esse.*

* *Regni causâ sceleratum esse.*

[a] *Principi nihil est injustũ quod fructuosum.*

[b] *Ubi honesta tantùm dominanti licent, precariò regnatur.*

† *Quamvis bonus atq; clemens fit, qui plus potest tamen quia malo esse licet, formidatur.* Salust. *ad* Cæs.

* *Dulce malum vindicta.*

2 Sam. 19.18.

1 Kings 2. should *bring their hoar heads unto the grave with blood*, which afterward (upon slight occasions) were executed accordingly. So *Solomon* himself likewise, though he forgave his Competitor and Brother *Adonijah*, and bad him go to his house in peace; yet he lay at catch still for some new occasion to be revenged: And therefore for a petty passion of love toward the *Shunamite* Lady, in demanding her to be his Wife, poor *Adonijah* was laid to sleep with his Fathers. In our owne *Chronicles* we find also, how that when *Henry* the third had in the end gained the better by his *Sword*, over the Earl of *Leicester* and the People, he meditated nothing but revenge against all that had opposed him, razing the Castles of his *Barons*, confiscating their Estates, and taking forfeiture of the Charters of many Corporations; especially of the *Londoners* whom he spightfully vexed ever after in body and purse, upon every opportunity. So likewise *Richard* the second, because the *Londoners* were not willing to back him in his Irregularities, but had appeared crosse to his Designs, watched every way to be revenged on them; and upon a slight occasion of a Tumult in the City (which nevertheless the *Mayor* soon suppressed) he deprived them of the best part of their Priviledges, and put them to the expence of no lesse than *Twenty thousand pounds*; a fine considerable summe in those daies of Antiquity, to be added to that invaluable losse of their Liberties, for so poor a matter as a petty Tumult about a Quarrel with a Bishop's Servant. But when Kings have been dis-obliged by any City or persons (by hook or by crook, sooner or later) they shall feel their displeasure: And therefore *Machiavel* adviseth never to trust them; For, *whosoever* (saith he) *thinks by new Courtesies to take out of their minds the remembrance of old Injuries, is extremely deceived.*

Ibid.

Daniel.

Ibidem.

Mach. de Prin.

Fifthly, If Kings are thus revengfull, then what may we expect but the fatall Consequences of that humor? It is an old Saying;

Regnabit sanguine multo,
Ad Regnum quisquis venit ab exilio; that is,
His Reigne will be very bloody, that comes from banishment to a Kingdome; whereof they shall be first sensible that have opposed his Interest; and such are all those in this Nation that have appear'd for the Parliament, against the Encroachments of the

the Prerogative. Nor let them flatter themselves, that they shall scape better than others, because they never opposed this Princes person; It will be ground sufficient for his hatred, that They bandied against his *Father*, and the *Prerogative*, to which he is heire. Nor is it likely he will forget the observation made by one of his Chaplains, in a Sermon before him at the *Hague*; how *that the* Presbyterians *held his Father by the haire, and the* Independents *cut off his head*; Nor is it to be supposed that we should have many *Parliaments* hereafter; For, besides the Provocations given by Parliament, *it* is against the nature of King's to love * Parliaments or Assemblies of their People; and it was left as a Legacie by King *James* to his Family, in his *Basilicon Doron*, That his Successors should neglect Parliaments as much as might be: So that consider how this Prince is engaged, not only by the Interest of the *Crowne*, his particular personall Interest of *Revenge*, but also by the Præcepts of his *Grand-father*, and the common Inclination of all *Monarchs*, and we may easily imagin what will become of *Parliaments*, and *Parliament-Patriots*, if ever he get possession.

Dr. Crighton.

* *Monarchæ non amant Ordinum Conventus crebriores.* Besold. *de Simulachris Reipumpub.*

Sixthly, Whereas many now adhere to him in their hearts, *in* hope they shall be eased of *Excise* and *Taxes*, *&c.* if he be restored, they are exceedingly mistaken. I remember a Passage out of the Stories of *France*; that the Duke of *Orleans* having, upon a difference betwixt him and the King, laid a Tax upon some of the Provinces, by their owne consent, to maintein his Army; afterward, allured with fair promises, they inclined the *Duke* to accord with the *King*, hoping to be eased of the Imposition; but they fell short of their desires; for, that which they had voluntarily imposed upon Themselves, was setled upon Them *perforce* by the King, when he once had them in possession: And so that Tax, which was called the *Gabel*, continues upon them to this very day, as a Token of their folly. Now, let not us flatter our selves here in *England*, that we shall fare any better (in point of *Excise*, or other payments) upon the *Prince's* restitution. If now we have *Burthens*, we must then look to have *Furrows* made upon our backs: If now we are (through necessity) put to endure a few *whips*, we shall then (of set purpose) be chastised with *Scorpions*. It is not an *Excise*, or an *Army* that we

Du Serres.

ſhall ſcape, but be viſited with whole Legions of *forein Deſperadoes*, which muſt be fed with greater Payments than ever, and (God knowes) when we ſhall be rid of them, if the Prince ſettle upon their ſhoulders. Conſider, how many hungry *Scots* gape after this *gude Land*, who, with thoſe of other *Nations*, muſt be Satisfied out of the Purſes of our own, whilſt thoſe that are their *Leaders* will be gratified, with this, that, and the other Mans Lands and poſſeſſions. And that this Inſinuation is no Fiction, but well grounded upon Precedents out of our owne Hiſtories, in the Practices of our Kings, may appear by the Proceedings of the *Conquerer*; who being forced to extraordinary Courſes to ſatisfie his forein Soldiery, made bold ſo frequently with the Eſtates of his Subjects, that the great Lords of the Kingdom, fearing it would come to their Turns at laſt to part with their Poſſeſſions; by way of prevention, fled out of the Land, ſome into *Scotland*, ſome into *Denmarke*, and other Parts, *to trie if by aide from abroad, they might recover Themſelves and their Fortunes again at home*: But by this means they happned to loſe all ſo much the ſooner; for, miſcarrying in the Deſigne, their Eſtates were poſſeſs'd, and thier Offices ſupplied by the *Norman* Favorites. Thus alſo, King *Stephen*, himſelf being a *Foreiner*, and relying moſt upon forein Arms to preſerve him in poſſeſſion, was conſtrained to take the ſame Courſe, for the ſatisfaction of his *forein Auxiliaries*, which conſiſted moſt of *Flemings* and *Picards*, whom he eſpecially truſted in his greateſt Actions, neglecting and oppreſſing the *Engliſh*. Thus did *Henry* the third alſo in his wars with the *Barons*; againſt whom bringing in Foreiners, He, for reward, inveſted them with others Lands and Honors, and laid heavy Impoſitions beſides upon the whole Kingdom, to make Them Satisfaction. And in thoſe variations of Fortune between the two Houſes of *Yorke* and *Lancaſter*, as often as either of Them had occaſion to make uſe of forein Arms to aſſert their Titles, the Eſtates of the Adverſe Party, and the Purſes of the People, were ſure to goe to wrack for the Pay of the Soldiery. From hence then it appears, that if the Prince put himſelfe in poſſeſſion by Arms, we ſhall be ſo far that way from any eaſe of our burthens, that they will be doubled, and trebled, yea, and tenfolded upon us.

Laſtly,

Lastly, The Prince's Confederation with the *Scots*, and our *English Presbyters*, (were there no other Reason) might be enough to terrifie any ingeniously minded People from giving their assistance, be they *Royalists*, or not: For, if the Kirke be able to bind the *Prince* to hard Conditions, and prove (like the Sons of *Zeruiah*) too strong for him, so that his *Interest* bow to theirs, then in stead of a *Regall* (which is more tolerable) we must all stoop to the intolerable yoke of a *Presbyterian* Tyranny, that will prove a plague upon the Consciences, Bodies, and Purses of this free Nation. The *Scots* by this means will effect their Designe upon us, by stretching their *Covenant-union* to an equality of *Interest* with us in our owne Affairs: And the *English-Grandees* of that Party will seat themselves again in the *House*, and exclude all others, or else a New Parliament shall be called of Persons of their owne *Faction*; so that if they should carry the day, all the Comfort we shall have by casting off the present Governers, will be only that we shall have these furious *Jockies* for our Riders: Things (perhaps) shall be in the old *Statu quo*, as they were when the late King was at *Holdenby*, whose Son must then lay his Scepter at the Foot-stole of the *Kirke*, or else they will restore him by leisure (as they did his Father) into the *exercise* of Royalty: By which means we should be brought again, as far as ever we were, from a condition of Settlement, and the Common-wealth reduced to Ashes by endlesse Combustions. On the other Side, put case the *Prince* have the *better end of the Staffe* of the *Presbyters*, (they relying upon his Courtesie, as well as the rest of the People) then, in case he carry the day, They, and All, are at his mercy, and no Bar will be in the way to hinder him from an Ascent unto an *unlimited Power*: So that you plainly see, this present Combination of *Royalists* and *Presbyters* (which soever of them be most prevalent) must of necessity put the Nation in hazard between *Scylla* and *Charybdis*, that we cannot chuse but fall into one of the pernicious Gulphs, either of *Presbyterian*, or *Monarchicall* Tyranny.

All these Particulars being seriously considered; how Improbable it is in the first place that the *Prince* should goe on with Successe in his *Designe*; and then, what *miserable Inconveniences* must needs follow such a Successe (in case he prevaile) not only

to

to the Prejudice of any one Party, but of All, I may undeniably conclude, that all mistaken *Royalists*, as well as others, who live now under the Protection of the *present Government*, are concerned out of necessity, and in respect to their owne well-being and benefit, to wish well thereunto, rather than prosecute the private Interest, of a *single Family*, and of a few *Fugitives* its Dependants, to the hazard of their owne Families, with the Peace and happinesse of their native Country.

Chap. II.

Concerning the Scots.

I Am sorry I must waste Paper upon this Nation; but seeing They make Themselves Considerable by being troublesome, it will not be amisse to sound the Depth of their present Design; which that I may the better doe, give me leave to trace them in their *Encroachments*, from the first to the last, upon the *English* Nation. Not to mention those of elder date, let us begin with King *James* who being a native *Scot*, out of love to his Countrymen (or rather to himselfe, that he might keep them quiet, by stopping their mouths with the sweet morsels of *England*) was pleased to admit many of them into his Court, then into his Councell, and to be partakers of Honours and Offices, equall to the best of our *English*. His Son, the *late King*, knowing danger might come of discontent out of the *Northern* Corner, followed the same Course that his *Father* tooke, to oblige Them; holding them in *Pension*, giving accesse to all *Beggars*, with such faire Entertainment, that most of Them staid here, and none returned empty. This heaping of Favors upon Some, stirred up the Appetites and Emulation of others; who seeing themselves neglected, and not like to share in any of these Enjoyments by the Favor of the King, bethought them of an other way, to make Themselves as considerable as the rest of their *Country-men*, and gain an Interest with the *English*. Seeing they could not thrive with the *Court*, They would trie what They could doe without it.

Hereupon, being men of Power in their owne Country, They became

became moſt Zealous Aſſertors of the *Presbyterian* Diſcipline againſt the *Epiſcopall*, by which means they gained the Friendſhip of all the *Religious Party* in *England*, then perſecuted by the *Biſhops*, who were at *Court* the only *Favourites*: Hereupon, theſe *Leaders* of the *Scotiſh Presbyterians*, beginning to grow active and forward in eſtabliſhing their own *Form* at home, and alſo to propagate it abroad by encouraging their Friends, gave ſuch an Alarm to the *Biſhops*, that they (to croſſe the Deſigne) fell foule upon all of *the Opinion* here in *England*; and not onely ſo, but preſſed the *King* to eſtabliſh an *Epiſcopall Uniformity* in both Kingdoms, even in *Scotland* as well as *England*. The forcing of this upon the *Scots* was a Cauſe of the Commotions in that Kingdom; whereupon a war enſued betwixt the King and Them through the inſtigation of the *Biſhops*; which was ſoon ended, to the Advantage of the *Scots* in Money and Credit, and to the diſhonor of the *King* and the *Epiſcopall Party*.

This happy Succeſſe wrought a very reverend opinion of them, in the hearts of the *well-affected Party* in *England*, who ſtood for the *purity of Religion*, and *a liberty of Conſcience*, againſt *Epiſcopall power* and *Innovations*; as alſo for the *Lawes and Liberties of the Nation*, invaded by the *Prerogative*. And for redreſſe of theſe things the King was neceſſitated to call a *Parliament*; who not obtaining ſuch Reliefe of Grievances as they expected by reaſon of a *Corrupt Councell* of *Biſhops* and others about the *King*, which alienated him from his great Councell the *Parliament*, and afterward cauſed Him to breake out into a warre againſt Them, were conſtrained likewiſe to take Armes, in defence of our *Liberties*. Hereupon, recourſe was had to the *Scots* for their aſſiſtance; who, having the ſame Enemies at *Court*, and being equally involved in the ſame common Danger, it was ſuppoſed they were concerned in Reaſon to joyn with the Parliament, without any Diſpute or Scruple. But They, conſidering now was the Time to make their Markets (if ever) and their owne intereſt as much *Engliſh* as might be, came not off ſo roundly as was hoped, but fell to bartering like *Huckſters*, and no Bargaine would be (forſooth) without a *Covenant*. They would not joyn, except They might be (in a manner) all one with us, and this *Union* muſt be ſealed with that *ſolemn League and Covenant*. What their meaning was

therein, we shall know by and by, by taking a view of their Actions ever since, which are the most sure Interpreters: Yet even at that time, *some men had their eyes in their heads, and many Objections were made at divers Expressions in the* Covenant, *and many Desires for explanation of some Articles more fully*. But the *Scots* standing stiffe upon their owne Terms, and no Conjunction like to be obtained without the *Covenant*, and the necessity of the Parliaments Affairs admitting no delay, we were glad to take it as it was offered, without further question or Demurrer.

See the *grand Case of Conscience* concerning the *Engagement*, stated, &c.

It was no sooner taken here at *London*, but immediately every one began to make his Advantage (through the multitude and ambiguity of Expressions) and by it to promote his severall *Interest*; as if it had been made to engage unto a particular Party, not to unite two Nations in a common Interest. But above all the *Scots*, having had the honor of this Invention, conceived themselves much injured by any, that denyed them the Prerogative of making an Interpretation; and in matter of Religion, urged their owne Discipline as the only Patern to Reform the Church by; and their Plea had been fair enough out of the Covenant, could they have proved it to be [*according to the word of God*;] which Clause was most luckily inserted. Notwithstanding all the Reasons to the Contrary, the *Scotish* Module was still pressed: The *Scot* was willing to ride, and having (as he thought) the *English-man* fast bridled with a *Covenant*, he began to switch and spur. The *Throne of the Kirke* was the *Stalking-horse* to catch *geese*; and if that could have been setled, then there had been no denying Them whatsoever they would ask; They would have seated themselves surely in this fat Soile; There would have been no removing them out of our Councels, whereof the necessity of our Affaires had made them Members and Partakers. For, had the *Kirk-Interest* been once confirmed among us, then by vertue of that Authority which they use to controll the *Civill* power, the Parliament must have been subservient to all their ends. And since it would have concerned the *English Clergy* (to make their Party strong, and maintein Correspondencies for their owne preservation) to have gratified their *Scotish Founders* in all their Desires, the *Scots* might easily have translated the *Covenant-union* to as good as an absolute

Nationall

National union, by gaining a *Joynt-Interest* with us in our Affairs for ever, and consequently, in all the Profits, great Offices, Councels and Concernments of this Nation.

Now, whether this were their Designe or not in the Covenant *ab origine*, I shall not determine; but let it be judged by their insolent behaviour here among us, after they were admitted to our Counsells: and therefore in the next place I shall examine their Proceedings, which most evidently represent them in their Intentions. It sufficed them not, after they were come in, that they had an equall Power with us in publique Affairs, in the Committee of both Kingdoms at *Derby*-house (which was willingly allowed them for a time, so far as concerned the Common cause of both Nations, in prosecuting the war) but driving a Powerfull Party in both *Houses*, They tooke upon them to meddle with matters relating to the future Peace and Settlement of this Nation, distinct from their owne, and to provide for an equall Interest with us therein. The first most notable Evidence of this (though there had been many before) was discovered at the *Uxbridge*-Treaty, where Propositions of both Houses for Peace being presented to the King, it was found the *Scots* had so far Provided for Themselves by their Party in the *Houses*, That in time to come, the ordering of the *English Militia*, the Power of making War and Peace, and all other Prerogatives of Government, were to be administred by a proportionable number of *Scots*, as well as *English*: A thing so ridiculous, and an Encroachment so palpable, that the King Himself, in one of His Answers, took notice of it, and said, He *was not so much an Enemy to the English Nation, as to signe those Propositions*; or somewhat (I am sure) to this Purpose. Uxbridge Treaty

A second evidence or discovery of their Encroachments was made, upon their delivering in divers Papers to the Parliament, at severall times, wherein they disputed their Claim, and ventured their *Logick* upon the Letter of the *Covenant*, to prove an *Interest* in disposall of matters meerly relating to our welfare; which they re-inforced afterwards with new Recruits of Argument, when the King came into their Army.

But not knowing well how to maintaine their Arguments, They were contented for that time, to quit Them and their

King too, upon such Terms, as are notorious to all the world; who being at length reduced under the Power of the Parliament and Army, Propositions of Peace were sent to him at *Hampton-Court*, wherein no such Provision being made for the *Scotish* Interest, as was in those at *Uxbridge*, their Commissioners here protested against them, accused the Parliament of Breach of Covenant, and complained highly in one of their *Declarations* that they should be so neglected. This may serve as a *third evidence* of their *Covenant-designe* of Encroachment; whereto may be added one more, when the King was at *Carisbrooke* Castle, whither the Commissioners of Parliament were no sooner arived with *Propositions* against him, but the *Scots* Commissioners were at hand, and for the same reason protested furiously against them. By which insolent demeanors and expressions, from time to time, and crying up the *Covenant* for their defence, it is clear enough what their Intentions were when they urged it upon us, and that notwithstanding all the specious Pretences of *brotherly Love*, their Designe hitherto hath beene, onely to screw themselves into an equall Interest with us in this Nation.

Having smelt out their *Project* thus farre, give me leave to trace them on to the end, as briefly as may be. The *Royall Party* being totally suppressed, and so no further occasion to make use of the *Scotish* Army, the Parliament, with some difficulty, made shift to send them home into their own Kingdome: But being defeated of their Aims and expectations, they could not so rest; having failed of their ends by pretending for Parliament, they resolved next to try what they could do upon the *Kings* Score, and so the *Grandees* turn'd the *Tables*, in hope of an *After-game*, by closing with *Hamilton* upon the *Royall Account*; not doubting but if they gained the day this way, to recompence their Travels with much more Advantage. The *Covenant*, like *a nose of wax*, apt to be turned any way, served this enterprize every jot as well as the former, though the Designe were different from what it was, the *great men* not caring much what became of the *Kirk Interest*, since they had agreed for the security of their owne; which must needs have been very considerable, if they could have redeemed the King, and restored him into the condition of an absolute *Monarch*. Therefore the

Kirk

Kirk ſeeing themſelves left thus in the *Lurch*, thundered out their Curſes amaine upon that *Hypocriticall Engagement*, as deſtructive to the *Covenant*.

But the *Grandees* being at a loſſe in this likewiſe upon *Hamilton's* Defeat, and followed home to their owne dores by the brave *Engliſh* Army, were glad to cry *Peccavi* to the *Kirk*, and alſo to our *Engliſh* Commanders, whom they diſmiſſed with many promiſes of fair Carriage for the future. Within a while after, a new dore of hope being opened to them by the ſuppoſed Succeſſion of the late Kings *Son*, They to ingratiate with him, proclaime him their King; and here the *Grandees* and the *Kirk* joyning hands againe, become friends, and offer their Service for his reſtitution, upon Terms of the *Covenant*; which is their *Plea* now at this very day: So that the *Covenant*, which was pretended to be framed at firſt, for the preſervation of this *Parliament* and the *Liberties* of the People, againſt the uſurpations of *regall Power*, is; now that the *Scots* can ſerve their *deſigne* no longer that way, become the Ground of their preſent Combination with the *Prince*, and their Presbyterian Brethren in *England*, for the deſtruction of our *Liberties*; being reſolved this way, ſince they have failed in all the reſt, to trie whether they can accompliſh their profane Projects through the *Covenant*, by inſinuating themſelves into places of Honour, Profit, and Power, that they may domineere in the poſſeſſions, as their *Phariſaicall Prieſts* would over the Conſciences of the *Engliſh*.

Thus having made way, in diſcovering what the deſigne of the *Scots* ever hath beene, and is at this Inſtant, under the faire Covert of the *Covenant*; certainly, no man that is maſter of an *Engliſh* ſpirit, but will abhorre the Hypocriticall pretences and Encroachments of that perfideous Nation. And therefore now that all men may beware how they be drawne into an Engagement with them, I ſhall (according to my way) manifeſt firſt, the *Improbability* of their Succeſſe; and then the *Inconveniences* which muſt neceſſarily follow, in caſe their deſigne be ſucceſſefully effected.

Firſt, As to the *Improbability* of Succeſſe, conſider by way of Compariſon, the great difference between the *Engliſh* and *Scotiſh* Soldiery. Ours are heightned with extraordinary Pay,

bravely accompliſhed, ſtrong Horſe, well diſciplin'd, veterane Soldiers, better Spirited by reaſon of a more generous education; and to all theſe add the advantage of being *Engliſhmen*, and the Reputation of having been ſo long *victorious*; let theſe conſiderations be laid in the balance againſt the *Scots*; freſh men (for the main) newly raiſed, a People of farre leſſe generous Soules, poor in Body, Pay, and other Accommodations, ſave what they have purchaſed by proguing here in *England*. Judge then in reaſon what theſe are able to doe againſt ſo brave an Army that contemns and ſcorns Them, as having beaten them with a handfull (in compariſon of their numbers) home to their owne dores; an Army, that to all worldly Advantages, hath hitherto had a ſpeciall Protection from Heaven, God having Sealed them for his owne by many miraculous victories and Succeſſes, to the wonder of the whole world.

Secondly, conſider that our *Engliſh* Army are all of a Nation, Natives, and unanimous, eſpecially upon the appearance of any *Invaders*; whereas the *Scotiſh* will be made up of divers Factions, *Royaliſts* and *Presbyterians*, that com in purſuance of different ends; which (for the time that they continue together) muſt needs be a cauſe of many Confuſions and partialities of Counſells, to the prejudice of their Enterpriſes and Proceedings; a ſpring of perpetuall Emulations, that will ſoone untwiſt the Confederacy; ſo that in ſhort time they muſt fall aſunder like a *Rope of Sand*, and the private Soldiery be diſpoſed to entertaine thoughts of ſome new Engagement, to the ruine of the firſt.

Thirdly, We ſhall not only be provided for them here, if they dare be ſo unworthy as to invade us; but 'tis like this *Common-wealth* may find work for them at home, and (to cure their madneſſe) divert the humour with *Phlebotomie*, by way of *Revulſion*.

Fourthly, It is like they will be farre from running much hazard to gain Succeſſe unto the Deſigne. For, if they prove a little unfortunate, the humour will alter; one good beating will make them underſtand, there is another way of Intereſt and Thriving, than under the wings of *Royalty*. It may chance to make them remember (becauſe they cannot forget) how long they

they have lived without a King in *Scotland*, while the *Grandees* and the *Kirk* did all; and that the *Engliſh* have dealt more ingenuouſly to have *no King*, than a Presbyterian *Mock-King*. One *Rout* (with this conſideration) puts them preſently into the humour of a *Republique*, as well as *England*. And then they will have no more work to doe, but to raiſe the *Market*, and get *Chap men* for their *King* to put him off handſomly, that they may pay their Army, and goe home again like *Scots*.

Laſtly, the *Scots* having no juſt Ground of a Warre againſt *England*, can hardly be proſperous in the Attempt. The *Covenant* can be none, being extinct, as I have proved in the former part of this *Treatiſe*; beſides I ſhall adde one Reaſon more: It cannot in common ſenſe be ſuppoſed to have been intended as an *eternall* obligation, binding both Nations for ever, or to bind the *Engliſh* Nation with an implicite Faith, to whatſoever the *Scots* ſhould expound to be righteous and neceſſary, to be done here for ever by way of Government. But it appeares intended onely for a certain time, for the proſecution of certaine Ends which were common to both Nations as Affaires then ſtood; and therefore being of a tranſient nature, becauſe thoſe Ends (by the alteration of Time, and other Circumſtances) are found either not poſſible or inconvenient, the obligation expires of it ſelf. This being the ſtate of the *Covenant*, neither the *Scots*, nor any other Party can found a Warre upon it in Reaſon or Juſtice. If ſo, then having no other Ground for a Warre, but Covetuouſneſſe, Emulation and Ambition, which (as I ſhewed in the *Preamble* of this Chapter) have been cloaked under the *Covenant*, in all their Ingagements, the hand of Heaven will aſſuredly be againſt them for their unchriſtian Practices, as may appeare by theſe examples following.

Firſt, The *Athenians*, carried on with Covetouſneſſe, Emulation, and a deſire to poſſeſſe themſelves of the Riches, of the *Lacedemonians*, were the Author of the *Peloponeſian* Warre; the conſequence whereof was, that it ended with the ſubverſion of their City walls, and the miſerable ſlavery of their People. The ſame end likewiſe had the *Carthaginians*, for moving an ambitious War againſt the *Romans* by the Inſtigation of *Hannibal*; as alſo had

Strig. *in Chron. part.* 2. p. 186.

Peucer. *in lect. Chron.* d. 18. *Iul. An.* 73.

had the *Thebans* for their unjuſt invading the *Macedonians*.

* Semiramis. Diod. Sic. *rerũ antiq.* l. 2. c. 5. *Bella injuſta infelices Succeſſus, triſtes, & Tragicos exitus ſemper habent.* Strig. 2. *Reg.* 14. p. 187.

It is obſervable likewiſe how that **Babilonian* Queen and Virago (as *Diodorus Siculus* tels us) being greedy after the Wealth of the *Indians*, invaded them by an unjuſt Warre, in hope to make a Conqueſt; but the Iſſue was, that ſhe was forced to flie home again moſt ſhamefully for the ſafety of her life. Thus *Xerxes*, invading *Greece* with a world of Men, and Ships, was in the end glad of a poor Fiſhing-boat to get home out of *Europe*, to a worſe deſtiny in *Aſia*; being ſlaine immediately after his Return, by his Uncle *Artabanus*. Upon the like occaſion, *Cyrus* loſt his Army, and his life; and to quench his Bloud-thirſty humour, his Head was cut off, and caſt into a Hogs-head fill'd with Bloud, by the *Scythian* Queen. Thus likewiſe, *Mark Anthony*, not content with half the Empire of the World, invading his Partner *Octavius* for the whole, loſt all, & being taken alive at mercy, laid violent hands on himſelf to prevent the Fury of the Conquerour. Thus *Craſſus* another *Roman*, being of the *Scotch Religion*, a ſacred hunger after Gold, invaded the *Parthians* without cauſe, againſt the advice of the Senate; in which expedition he loſt his Army and Life, and the *Parthians* conſidering what he came for, poured Molten Gold into his Mouth, in Triumph and Mockery.

Philip. *Chron. Tom.* 1. *Epiſt. per* Peuc. *edit. pag.* 248.

To theſe Examples out of profane Hiſtory, let me adde a few out of the Sacred. You may read 2 *Kings* 15. how *Senacherib*, the King of *Aſſyria*, mad an impious invaſive War againſt *Hezekiah* King of *Judah*; the conſequence whereof was the Confuſion of his Army, and Revenge followed him to his own home ſo cloſe at the heels, that it was executed upon him by his owne Sons, while he was at his ſuperſtitious devotion, in the midſt of his Idols. Nor have wicked Princes onely beene puniſhed for invading the good, but you may read alſo that the good have had ill Succeſſe in invading the bad. Thus good *Joſiah*, a moſt religious Prince, warring without cauſe againſt *Pharaoh Necho* King of *Ægypt*, received his deaths wound at *Megiddo*, and after his death, the ſame King *Pharaoh*, to right himſelf of the Injury done him by *Joſiah* waged Warre, and by Gods permiſſion ſubduing the Land, made the whole Nation Tributary, and took King *Jehoahaz*, the Sonne of *Joſiah*, and carryed him Priſoner into *Ægypt*.

2 Chron. 35.

Alſo

Alſo, another good King of *Judah*, by name, *Amaziah*, provoking *Jehoaſh*, a wicked King of *Iſrael*, without cauſe, to Battel, was utterly Routed, the City of *Hieruſalem* taken, the Walls demoliſhed, the Temple ſpoiled, and *Amaziah* himſelf carried away Priſoner, to ſhew how much the Lord of Hoſts, and God of Battell, it displeaſed with unjuſt Wars, that he will not proſper them, though made by his own People againſt the wicked that are his Enemies. 2 Kings 14.

But there is one example more, which (me thinks) is very pertinent to our purpoſe; and that is of *Iſhboſheth*, the Son of King *Saul*, who laying claim to the Kingdome after his Father, by prerogative of Succeſſion, made War againſt *David*, who was choſen King by Gods owne appointment: But to ſhew that *Hereditary Succeſſion* is no Plea to juſtifie a Warre againſt the Powers that are ordained by him, he placed marks of diſpleaſure againſt all that took part with *Iſhboſheth*, ſo that in the end *Iſhboſheth* had his Head ſtrook off by ſome Commanders of his own Party, and brought to *David*. Now, I leave this unto thoſe that liſt, to make the Application: And withall, they may doe well to conſider how the *Spaniard* proſpered in 88. in his Invaſion againſt *England*; how ill he hath thrived ever in his Attempts againſt the *Hollander*: And as for the *Scots*, I ſuppoſe, that as it concerns them to conſider the ſad example of the late *Hamiltonian* Invaſion; ſo they and their Adherents may learn from all theſe together, That God will never proſper them, if they proceed in their unrighteous Combination. 2 Sam. Chap. 2, 3, & 4.

Having ſhewn the Improbability of the *Scots* ſucceſſe, I ſhall in the next place diſcover the great Inconveniences and hazards that our Nation muſt needs undergoe, in caſe it ſhould happen.

Firſt, It being evident, that their deſigne in urging the *Covenant* upon us, hath been to inſinuate themſelves into an equall *Intereſt* with us in our own Nation, it is to be ſuppoſed, that having hitherto been defeated of their long-expected Prey, they come now to proſecute it with the greater appetite: And it is to be preſumed they will not ſerve the King with the *Covenant*, at an eaſier rate than they intended it ſhould have coſt the Parliament.

Secondly, It is to be feared, this so much desired *Interest* of theirs may (if opportunities fall out right for their Turns) be driven on farther by the *Sword*, than yet we are aware of. A *Nationall Union* hath been whisper'd often among them heretofore; and there's no doubt but they will bid high for it, if ever they have occasion; And then it must needs be a very fine world, when we are confounded with a Miscelany of *Scotish* and *English*; when *Scots* shall be Competitors with us in point of Priviledge, vie wealth with us in our own Possessions, Honours, and Dignities; and either impose new Lawes upon us, or alter the Old, as may make most for their Advantage.

Thirdly, That these things may be, is probable enough, since their *King* having no other rewards to give them, it is impossible he should satisfie the *Grandees* and Leaders any other way, than by promising large accessions of Interest, with other mens Honours and Possessions; even those men's (perhaps) that are the *Moderate Sort* of Transgressors; For, in such Cases it is usuall to stretch all Offences upon the Wrack, to supply the necessities of the *Conqueror*; and then if this happen, 'tis like a *Scotch Covenanters* stomack, will allow no distinction, betwixt *Presbyter* and *Independent*, but may digest the estate of an *English Covenanter* without so much as a *Scruple* of Regret, or Compassion.

Lastly, it is a very great wonder, since the present *Stage-play* of the *Covenant*, and the *Actors* are brought on this side the Curtain, and we know what they are through all their disguise, and what they aime at, That yet many of our *English* should be so stupid, as to be led away with their Cheates and Pretences for a *King* and *Reformation*: Also, since it is evident, that their chief Leaders and Sticklers gape onely after Profit and Preferment, and (according to the Custome of all Forreiners in Arms) will make no difference between Friend and Foe, so they may satisfie their covetous and ambitious Ends; since the whole People likewise must of necessity be harased with innumerable Taxes, to pay the rabble of their Souldiery; certainly, no true *English* heart can be so degenerous, as to forward or countenance them, in their invading this Nation.

Now, for a Conclusion to the whole; that these Particulars may

may appeare more ſolid then mere Inſinuations, give me leave to confirme them by many Authentick examples; it being an ordinary Caſe in the world, That * Commonwealths and Kingdomes have been oppreſſed often by thoſe Foreiners, that came or were invited in as Friends, to give their aſſiſtance. Here before I proceed, let me call to minde a Story of the *Hedghog*, in the *Fable*; who being almoſt dead with Cold, chanced to light upon a *Foxes* Kennel; where asking for entertainment, the *Fox* more compaſſionate than wiſe grants his Requeſt. But the *Hedghog*, as ſoone as he recovered warmth, began to briſtle and prick the *Fox*, who complaining of his unworthy carriage, the *Hedghog* made Anſwer, that if he found him troubleſome, he might leave him, and ſeek a new Lodging. I ſhall make no application, but leave thoſe that would entertaine the *Scots* as their Friends, to conſider whether they ſhould finde more Courteſie from them, if They had power here then the *Fox* did from the *Hedghog*, or than other Nations have had from the friendly Pretences of *Forain Auxiliaries*.

* *Ab iſtis exercitibus, quos defendendi ſui causâ attraxerunt, evertuntur.* Peucer. *Auxiliatores, ut ſolet fieri, poſtea fiunt domini.* Strigel. 2. Paralip. 28.

Concerning this, there are ſeverall Precedents. Tht *Macedonians* being invited by the *Thebans*, to aſſiſt them againſt the *Phocians*, made a ſhift not onely to ſeat themſelves among the *Thebans*, but under the conduct of King *Philip*, made way to the Conqueſt of all *Greece*: So the Perſians comming as Friends to aid one party in a civill diviſion in *Caria*, ſuppreſſed both, and deprived that Common-wealth of its liberty. And the *Carthaginians*, in the firſt *Punick* Warre, received more prejudice from the *Celtæ*, their Confederates and Brethren in Covenant, than from the *Romans* their Enemies.

Juſtin.

Xenoph. *lib.* 7.

The *Goths* and *Vandals* being invited by the Emperour *Theodoſius*, for his aſſiſtance, deprived him of *Italy* and *Spain*. Afterward, the *Longbeards* or *Lombards* being called in by *Narſes* againſt the *Goths*, ſeated themſelves for above 200 years in that part of *Italy*, which from them was called *Lombardy*.

Pezel. *part* 4. *pag.* 613.

A Quarrel hapning between the two *Saracen Sultans* of *Perſia* and *Babylon*, the *Perſian* called in the *Turks*, under the Conduct of their Captain *Tangrolipix* out of *Scythia*, who ſeated Themſelves firſt in a part of his Dominions.

Circa Annum Chriſti, 870. Chytræus in Apoc. cap. 9.

In the Chronicles of *Judah*, we read how King *Ahaz* invited

2 Chron. 28.

Tilglath-pilneser King of *Assyria* to his Assistance, against the *Edomites*; who comming as a Friend, did him exceeding prejudice, and laid a Designe then for the Conquest of *Hierusalem*, which was afterwaed effected. *Josephus* tels us likewise, how that *Pompey* being called to assist *Hircanus*, in the recovery of the Kingdome of *Judea*, out of the Hands of his yonger brother *Aristobulus*, took occasion hereby to reduce it under the *Roman* obedience.

Joſephus *de bello* Jud. *lib.* 1. *c.* 12.

In the time of the Emperour *Fredrick* the 3. the Princes of *Italy* being in contention, the *Pope* called in the *Spaniard* and severall other Princes, to compose the Quarrel; which being done, a new one arose betwixt the *Auxiliary* Princes for the Lordship of *Italy*; but the *Spaniard* drave away the rest, and made bold to keep possession for himselfe. Thus likewise, the *Spaniards* being invited into *Sicily* and *Naples*, to free them from the *French*, did indeed expell the *French*, but possessed both Kingdomes themselves. On the other side; a Controversie arising between *Lewis* and *John Sforza* for the Dutchie of *Milain*, *John* called in the *Spaniards* to his Party, and *Lewis* the *French*: But the *French* driving out *John* and the *Spaniards*, made themselves at that time Masters of the *Duke-dome*, and carried their Friend *Lewis* away Prisoner into *France*.

In Chron. Phil. *lib.* 5.

Thus in old time our Ancestors the *Saxons*, being called in by *Vortigern* the *British* King, to assist him against the Invasions of the *Picts* and *Scots*, turned their Arms against the *Britans*, and driving them into *Wales*, transmitted the possession of this Island to us, their Posterity. So the *Scots* likewise (as *Bodin* saith) being called in to the assistance of the *Picts* against the *Britains*, possest themselves of the best part of that Kingdome, which they hold at this day.

Sam. Daniel.

Joh. Bodinus lib. 5. *cap.* 5.

And now I would faine know of the Admirers of the *Scotish* Nation, that if The *Scots* come in hither with their King upon their Shoulders, and their fine Flourishes of pretended Friendship, what assurance they can have, that they shall not serve us the same sauce, as their Ancestors did the *Picts*, and as ours did the *Britans*, or as others did other Nations, whom they oppressed under as glorious Pretences, in case They should get the power in their hands: Especially since of late time, They have

have made ſo many palpable Diſcoveries of Encroachment upon the *Engliſh* Nation.

Seeing therefore that their *Covenant-Cauſe* appears a Cauſe for intrenchment upon our *National Intereſt*, rather than for *Religion* or *Monarchy*, I may reaſonably conclude, that it concerns all Parties whatſoever (if not for the Improbability of their Succeſſe, and the Miſeries that would follow it, yet) out of a deteſtation of their Deſigne, to abhor Them in their Invaſion.

Chap. III.

Concerning the Engliſh *Presbyterians.*

WHence it was, and for what ends, *Presbytery* was firſt brought into this Nation, is not here to be diſputed: But if we grant the Intentions of its firſt Fautors to be pure in the *Fountain*; yet it appears polluted in the *Streams*, by the Corruption of their Succeſſors: For, as the primitive Pretences of it were high and glorious, in the innocence of its Cradle; ſo being grown up to a full Stature, it hath (after the manner of all other things that participate of worldly mixtures) in time contracted ſo many adulterations of *worldly Intereſt*, that it hath loſt the Beauty which it once appeared to have, and ſerves every *Sophiſter*, as a *Cloake*, to cover his ambitious Deſigne.

But ſince it is arived, notwithſtanding, to ſuch a hight in the opinions of many, as to be cried up for the only patern of Government under the Goſpel, this is to be imputed to the blind Zeal of thoſe that are led, and the deceitfulneſſe of the *Leaders*, rather than to the Intention of its learned Founder, Mr. *Calvin*. For, it doth not appear that ever he ſtretch't his *Module* ſo far, as the neceſſity and univerſality of a *Divine Right*; but ſeems only to have hewn part of the Building out of the rock of the Scriptures, and peeced up the reſidue by politique and *prudentiall Rules*, ſuch as he conceived might ſound neareſt the Text, and ſerve moſt conveniently to cement the diſ-joynted Members of the then broken and tumultuous Common-wealth of *Geneva*, into an entire and well-compacted *Body*.

It was no ſooner lick't into *Form* there; but (as it is the Fate of all things new) it began to be much extoll'd and admired; and the Fame thereof ſpreading in *England*, as well as other Parts, wrought in many of our Country-men an Itching deſire to goe thither, and inſtruct Themſelves in the Nature and Cuſtoms of the Government; where, of Spectators they ſoon became *Proſelytes*, and returning home with new Affections, looked with an eye of diſdain upon the *Biſhops*; as if Themſelves had indeen found out the *Patern in the Mount*, becauſe (forſooth) the words, *Presbytery*, *Elder*, *Deacon*, and *Aſſembly*, &c. ſound more *Goſpel-like* than *Dioceſſe*, *Church-Warden*, *Arch-deacon*, and *high-Commiſſion*, *&c.* With theſe Terms, * the ordinary Sort of Religious perſons, not able to ſee through this *Shell* of words, into the *Kernell* or Subſtance of the buſineſſe, were eaſily led to a belief of high matters; whereas this new Forme, like the *Trojan* Horſe, brought an Army of miſchiefs in the belly of it; which were never ſo fully diſcovered, as till this Parliament. For, immediatly after that the *Epiſcopall Form* was aboliſhed here, as corrupt and Antichriſtian, the chief Sticklers of the *Preſbyterian* Clergy began to ſhew their Teeth; and ſitting in an *Aſſembly* Cheek by Jole with the Parliament, intermedled with their Affairs, labored to twiſt their Church diſcipline with the Intereſt of State, claimed in their open Pleas, Diſcourſes, and their *Confeſſion of Faith*, a Power in themſelves *diſtinct from the Civill*, and demanded the Voting of this in *both Houſes*, as *Jure Divino*, that ſo the *Parliament* might for ever cut the throat of their own Authority, and Magiſtracy.

* *Maxima pars vulgi capitur Ambagibus.*

Theſe, and many other *Pranks* they played, in hope to erect their intended Domination: And though (being often required) they were as little able as the *Biſhops* to ſhew their Pedegree from the *Apoſtles*, or to derive the lineaments of their form from the Body of the Scripture; yet they preſſed it on ſtil, and wanted not their Party in Parliament, with the aſſiſtance of the *Scots*, (whoſe Intereſt it was) to ſecond them. And here it might be wondred, that ſo many knowing men, and of able Parts, ſhould prove ſo degenerous, as to proſtitute Themſelves, and the Majeſty of the Nation, to ſerve the ambitious ends of a few *Prieſts*; but that they had their Ends in it too, and were willing to follow

low the Example of the *Scotiſh Grandees*, by gratifying the *new Clergy* in the form of a *National Church*, with Accruments of worldly pomp and Power, the better to ſupport their Owne in the *State*.

For this Cauſe it was, that They ſtooped ſo unworthily to the Deſigne of the *Scots* and the *Clergy*; and being all of them combined in Intereſt, they were in a manner neceſſitated, to countenance and comply with each other in their mutuall Encroachments, to the diſhonour of our Nation, the debaſing of Parliaments, and the extreme hazard of the Libery of our Soules and Bodies. All which being conſidered, you may ſee, how exceedingly we are obliged to our preſent Governers, that they ſtrove ſo mightily againſt the ſtream to prevent Them all in their ſeverall Deſignings; and what neceſſity lay upon them to expell that *corrupt Intereſt* out of Parliament, and to follow the Counſell of the *Poet*, in cutting * off a *rotten Part* for the Preſervation of the whole, by the *Power of the Sword*. By reaſon of this neceſſary and magnanimous Act, it is, that they have made Themſelves ſo many Enemies to the *Presbyterian Party*: For, the *Scots*, being defeated of their *Engliſh* Intereſt, the *Secluded Members* of their Hopes and Priviledges, and the *Clergie* of their *Kirk-domination*, incline all immediately to face about to the *Prince*, and to hedge in him and his Intereſt with their owne, as well as they can, in hope of private Revenge and a Recovery, without any regard at all to the good and peace of the Publique. Then *Gentlemen*, if they prevaile, ye will be but in the old poſture again, As You WERE; yea, and far worſe than you were, ſince all thoſe Church-uſurpations which were then but in deſigne, muſt needs be confirm'd by a new alteration.

* *Immedicabile vulnus Enſe recidendum eſt.* Ovid.

For this Cauſe it is, there are ſo many *Presbyterian* Juglings in private, ſuch Murmurings abroad, and ſo many Mutinies in the *Pulpit*; ſuch wel-acted Lamentations for the glory of the *Kirke*, and the loſſe of their *Diana*, that every *Prayer* is a *Stratagem*, moſt *Sermons* meer *Plots* againſt the State, and upon their Hearers. Thus the Nature of their Deſigne being diſcovered, give me leave in the next place to manifeſt the Vanity of their Hopes, that if men will not forbeare for ſhame of its hypocriſie, they may yet, in conſideration of the many ſad Conſequents which may follow.

As

As to *the Improbability of their Succeſſe*,

Firſt, our *Engliſh Presbyterians* are very inconſiderable now in *England*, becauſe above three Parts in four are fallen off, ſince they were able to ſee through the Pretences of the *Grandees* of their Party, ſo that the ſmall Remainder can doe little of Themſelves, and all their hope leans upon *Scotland*, that *bruiſed Reed*.

Secondly, As their Party is but ſmall of its Self; ſo there is ſmall likelyhood of an Increaſe, becauſe all the Reſt of this Nation are Oppoſite to them and their waies, being either *Commonwealths-men*, or *Royaliſts*. And though they uſe all Indeavours to draw in the *Royall Party* to their own, yet it can never be effected, by reaſon that the old *Antipathie* will revive upon every little occaſion. For, the *Royaliſts* looke upon them ſtill, as the Authors of their Miſery; and the *Prince* (who is Head of that Party) though He may feed Them with fair Promiſes, can never cordially imbrace them, being the old Enemies of his Family: Nor will he count them any whit the leſſe guilty for their hypocriticall proteſting againſt the Death of his *Father*; For, They reduced him *Diminutione Capitis*, into the condition of a Captive; They ſpoil'd him as a *King*, before others executed him as a *private man*; They deprived him of his earthly *Crowne*, and kept him languiſhing, whereas his owne † Party ſay, others were more courteous in ſending him to an heavenly. In ſhort, I affirm, that the preſent Powers have done nothing now in altering the Government, but what was done in effect before, or muſt have been done by the *Presbyterian Party*.

† See the *Iriſh* Biſhop's Sermon at the *Hague*, in print.

Thirdly, But ſuppoſe (what in reaſon cannot be ſuppoſed) that the Prince could forget old Injuries, and that the neceſſities of the chiefe of his Party ſhould bring down their Stomacks to a compliance with *Presbyterie*; yet the main Body of that Party will never comply, in a courſe ſo deſtructive to every mans Intereſt of Conſcience and Liberty; nor venture their Lives and Eſtates to eſtabliſh a *Faction*, which they beleeve to aſpire toward an intolerable Tyranny, over Magiſtrates and People.

Laſtly, the *Presbyterians* Themſelves may doe well to conſider, what Succeſſe they are like to have in their union with a *Prince*, whoſe Intereſt is already declared to be *Revenge* for the

the ruine of his Father. Though They laid him not down upon the Block, yet They brought him to the *Scaffold*; and when time ſerves, the *Philoſopher's Maxime* will prove good *Logick* at Court, *Qui vult media ad finem, vult etiam & ipſum finem*; He that wills the meanes conducing to the end, wills alſo the end it ſelfe: *Ergo* (will the *Courtiers* ſay) ſince the *Presbyterians* put ſuch Courſes in practiſe, as tended to the Kings Ruine, they certainly intended it, and are as guilty as others. Bed a. *Axiom.* ex. Ariſtotele.

But to illuſtrate this a little, give me leave to cloſe up this particular with a notable example —— It hapned that *Clearchus*, the Tyrant of *Heraclea*, was by a Conſpiracy of the *Grandees* driven out of his Dominions, they hoping when he was gone to have all power in their owne hands; but there ſtarted up a Party of the People, which prevented them, and ſetled the State in a condition of Liberty and Freedome. Hereupon the *Grandees*, in diſdain and revenge againſt this new Party, conſpired againſt the Common-wealth, and brought back *Clearchus* into poſſeſſion. The *Tyrant* being thus reſtored, inſtead of gratifying them that had a hand in his reſtitution, conſulted to ſatisfie both his owne Revenge upon them, for having oppoſed him at firſt, and alſo the diſcontents of the People againſt them, for their having deprived them of their late Liberty: and therefore all the reward they received for bringing him back was, that he Sentenced them all to a moſt ſhamefull Execution. This is the *Story*, and now I leave thoſe *Presbyterians*, that dreame of high Succeſſe in bringing back the *Prince*, to make application. This Story is recorded by *Machiavel*, in his firſt book *de Repub.*

As for the *Inconveniences* which the *Presbyterian* Deſigne would bring upon the whole Nation, gueſſe at them by theſe Particulars following.

I ſhall paſſe by thoſe *Inconveniences*, which muſt enſue their Combination with the *Scots*, having ſufficiently mentioned them in the former *Chapter*, and conſider thoſe only that would follow the eſtabliſhment of their *Presbyteriall* Diſcipline; *Firſt*, Beſides the many miſchiefs it would bring upon the Nation in generall, the *Royaliſts* (of all others) can receive no content in it, being abſolutely deſtructive to *Regall Dignity*. It never was embraced yet by any one Nation, in a *Nationall* Form, but by

Scotland. This (as one * hath obſerved) *was done, during the minority of King* James, *when the* Lords *and* Clergy *ruling all as they liſted at length parted Stakes (though the* Clergy *then got, and ſtill hold the better) that when he came to Age, he found the Fable of* Ixion's Juno *moraliſed upon himſelf: For, as he imbraced a Cloud inſtead of a Goddeſſe; ſo the King, when he thought to graſp his* Scepter, *laid hold on a* Manacle, *which kept his hands ſo faſt, during his abode there, that he could never Act but what they pleaſed to let him, according to their owne Directory of* Kirk *and* State. *And in proceſſe of time, this heat of Presbytery proved ſuch an* Hectick *in the body Politick of* Scotland, *that the ſubſtance of Kingly Power was utterly conſumed, and nothing left (as we ſee at this day) but the bare Bones, the very skeleton of a Monarchy: witneſſe the abſolute Power now exerciſed by their* Parliament, *and the* Generall Aſſembly *of the Kirk-men; but eſpecially of this latter, which, like to the Rod of* Aaron, *is in ſuch a budding thriving condition, that it hath devoured the Rod of* Moſes, *as his did thoſe of the Magicians of* Ægypt, *and proves a Scourge to the* Magiſtracy *and* People.

* See the *Caſe of the Kingdome Stated. Anno* 1647.

Secondly, the difference betwixt the *preſent Powers*, and Them, is only this; That they would not have a *King* ſo much as in Name; the *Presbyterians* would have no more but the *Name* of King, a Scar-crow of *Royalty*: The *State* in down-right terms have declared themſelves *Free*; the other pretend to maintain the *Monarchicall* Form, yet actually deſtroy the very *Fundamentalls* of *Monarchy*: And now I would faine know of the deluded *Royaliſt*, which of the two deals moſt ingenuouſly; and if the *Presbyters* take place, wherein he can conceive his *Party* will receive any Advance or Advantage: For, beſides that this mad Diſcipline deſtroyes *Biſhops*, and clips the wings of *Regality*, it will intrench alſo upon the *Lawyers*, curb the *Gentry* in their own Lordſhips, by a ſtrange way of *parochiall Tyranny*, and bring all People into the condition of mere *Gally-ſlaves*, while the *blind Prieſts* ſit at the *Stern*, and their *Hackney-dependants*, the *Elders*, hold an *Oar* in every *Boat*. For,——

Thirdly, were thoſe *Prieſts* ſeated here (as they are in *Scotland*) in a ſure Succeſſion, then (as it hath been long ſince * obſerved in Print) *a Correſpondence being cherished between a* Clergy *of the ſame*

* See the *Caſe of the Kingdome*, ut ſupra.

ſame garb and humour, in both Countries, They might finely toſſe Thunderbolts of excommunication *on both ſides, to gratifie each other, and ſo be able to terrifie all Perſons, that dare be averſe in either Nation, and promote ſuch onely to places of Honour and Profit, whoſe poorer Spirits will vaſſalize their* Genius *to ſerve the ends* of their *Kirk-domination.* In hope of this it is, that we have ſo much bauling about the *Covenant*; and rather than fail of it, Oh, how they pant after the *Scots*, who cannot chuſe but laugh in their ſleeves at them, to ſee them drive on the work, at the perill of their Necks; the new *Scotiſh* Combination being (as I have ſhewn) but a freſh *On-ſet* to the firſt Deſigne of encroaching upon *Engliſh* Intereſt, and the mainteining of a *Faction* here to ſerve the Aims of *Scotland*, and the Ambition of a few *Scotified Engliſh*, (ſome particular Grandees among the *Laity*, and obſcure *Rabbies* of the *Clergy*) who are content to ſhare dominion with the *Scots*; and ſo they may do that, care not though they betray the whole Common-wealth and State of the Nation.

Fourthly, it being cleare, that the Plot of *Presbytery* is carryed on meerly for theſe unworthy ends, what madneſſe is it for any men that pretend wiſdome, to hazard Themſelves and their Fortunes to draw on the guilt of innocent bloud by embroyling their Countrimen, only to ſerve a *Faction*, whoſe practiſes (when they are inveſted with power) will be (as they ever have been) to make them ſhare with others in the Common calamity at preſent, and entaile Slavery upon their poſterity for ever.

Fifthly, that I may give you a little more light in theſe Things, conſider, that the Reaſon why the *Presbytery* contended for is ſo deſtructive of *Liberty*, is, becauſe of the * *Popiſh Trick* taken up by the *Presbyterian* Prieſts, in drawing all *Secular Affairs*, within the compaſſe of their *ſpirituall Juriſdiction*: And this they doe by meanes of that awe, wherein they pretend to hold the Conſciences of the *Magiſtrate* and *People*; the one being lyable as well as the other, by *Suſpenſions* and *Excommunications*, to be exploded at pleaſure as *Scandalous Sinners*. This appears by that large extent of their Authority in judging of *ſcandalous Sins*, which reaches almoſt to every action of humane life; So that all the people beſides their *Favourites* (from the *Counſellor*

* *In ordine ad Spiritualia.*

to the *Beggar*) must at every Turn ſtoop like *Aſſes*, to be ridden by them and their Arbitrary Aſſemblies.

Laſtly, the Setling of *Presbyterie*, in ſuch a *mode*, would erect a Power *Eccleſiaſticall* diſtinct from that of the *Civill*: For, it is a *Maxim* among all *Presbyters*, and we find it pleaded for at large, in the *Confeſſion of Faith ſet forth by the Aſſembly of Divines* [*That there ought to be a Juriſdiction in the Church* (that is, in their way of Diſcipline) *diſtinct from the Civill:*] which Tenet of *diſtinction* muſt needs be the ſame, in effect, with that of the Church of *Rome's Supremacie*; ſeeing, thoſe which plead now for a Power without the *Civill*, will not be long before they arive to ſuch a height of Preſumption, as to act above it or againſt it, in perſuance of their owne Deſignes. It will be impoſſible to keep ſuch a *Church-Diſcipline*, within its limits in any Common-wealth, which makes the ſame Perſons *Civill Subjects*, and *Eccleſiaſticall Superiors*.——To paſſe by many other Examples of the ſtrange Inconvenience of that *Diſciplin*, in this one Particular, I ſhall only produce one of late memory, about the Ingagement of *Hamilton*: who (as I ſignified in the *Preamble* of the former *Chapter*) preparing to invade this *Nation* without the *Kirke's* approbation, was by Them oppoſed, and all his Party alſo in Parliament (which were the *Major Vote:*) And after he had gotten as Authentick an Authority, as that Nation was conceived able to give him for his Deſigne; yet notwithſtanding, the *Aſſembly* (becauſe they ſaw the *Grandees* had deſerted Them, and left the *Kirk-Intereſt* in the *Lurch*) † proteſted againſt *Hamilton's* Proceedings, and in him, againſt the Authority of Parliament whereby he was inabled, curſing Him and his Adherents.

† Not out of any good will toward *England*, but becauſe their diſcipline was not like to be ſet up here, if *Hamilton* had prevailed.

Now therefore, conſidering what the Nature and Deſigne of their *Presbyterie* is, what ſmall Succeſſe its *Abettors* are like to find, and what miſchievous *Inconveniences* muſt unavoidably follow it, I leave every reaſonable man, within the Cloſet of his owne Soule and Conſcience, to make a *Concluſion*; whether he ought not rather to Engage with the Common-wealth, than with this unreaſonable Party.

CHAP.

Chap. IV.

Concerning the Levellers.

WHat theſe People aime at, and how they would ſettle, is as hard for me to determine, as in what point of the *Compaſſe* the wind will ſit next, ſince they are every jot as giddy and rapid in their Motions. Yea, the very Settlement which they pretend to, would, were their Deſires granted, put the *Common-Wealth* into an utter Impoſſibility of Setling, as I ſhall prove by and by, when I come to Particulars.

In the mean time, that you may know what They are, and how they came to be diſtinguiſhed by this Title, give me leave to trace Them from their Originall, and manifeſt how they were divided in Affection from the *Parliament*; which appears to be occaſioned only by a meer misinterpretation or miſtake of ſome Paſſages in divers *Declarations* of the *Parliament* and *Army* touching the *Liberties of the People*; wherein they profeſſed, *That the compleat Settlement of the Liberties and Peace of the Nation is that bleſſing of God, than which, of all worldly things, nothing is more dear and precious in their Thoughts.* From this, and the like Expreſſions, a certain Sort of men, of buſie parts, and that have a mind to ſeem Sombody, immediatly tooke upon them to frame ſuch Comments, and *Chimera's* of Liberty, as might fit their own Ends and Phantſies; And in time, diſſeminated ſuch ſtrange Principles of pretended *Freedome*, among the common Sort of Soldiery and People; that it became evident to all the world, they ſought not *Liberty* but *Licentiouſneſſe*.

And the firſt time that they began to appear conſiderable in view, was in the year 1647, when that memorable conteſt hapned betwixt the Army, and the *corrupt Party* then prevalent, in both *Houſes* and the *City*: At which time, though they did good Service in helping to reduce the one, and purge the other; yet no ſooner had the Parliament recovered it Self into a State of Innocence and Freedom, and begun to act in ſuch a way, as they conceived neceſſary to eſtabliſh the liberties of the Nation, but theſe men made bold to carp at their Proceedings, and crie out

againſt them and the ſuperior Officers of the Army, as perfidious, and betrayers of the *publique Intereſt*; becauſe Themſelves (a hot-headed Rabble, and the meaneſt of the People) might not have it ſetled after their own humor.

From whence it appears, the firſt Cauſe of the Difference between the Parliament and Them, was their bold and impudent behaviour, in preſuming to direct their wiſdome what to doe, and taking upon them, *Dictator*-like, to define what is *Liberty*, and what not, and how it ought to be eſtabliſhed; as if Themſelves alone were infallible, and the only Champions of *Univerſall Freedom*, and the Parliament ſuch, as either regarded it not, or ſought it's deſtruction. And, notwithſtanding that they have manifeſted their great wiſdom, courage, and care ever ſince, in carrying on the work of *Freedom* to this height, wherein we now ſee it, to the abſolute confutation of theſe mens Calumnies; yet their reſtleſſe Spirits proceed ſtill in the ſame violent Courſe, having of late, in a preſumptuous manner, preſented a mutinous ſcandalous *Remonſtrance*, which (nevertheleſſe) they call an *humble Petition*, to the Parliament; wherein they take advantage, by the preſent Neceſſities of the *Common-wealth*, to ſlander Them in their Proceedings, as Oppreſſors of that *Liberty* which they ſo Zealouſly mainteine; and for the neceſſary Defence whereof, they are conſtrained to continue divers payments upon the People, at preſent, to purchaſe eaſe in the future.

Having thus diſcovered the vanity of their Quarrell, in the next place give me leave to ſhew what their *Deſigne* is: And this They profeſſe, in that Pamphlet, called the *Agreement of the People*, (ſet forth *May* 1. 1649.) to be a *Popular Form*, or a *Government by the People*, as the only Preſervative of Peace and *Liberty*; wherein it is required, *That the Supreme Authority of* England, *and the Territories therewith incorporate, may reſide henceforward in a Repreſentative of the People conſiſting of* 400 *perſons, and no more*; whereto *all of* 21 *yeares and upwards, are allowed a Right to chuſe, and be choſen Members, except Servants and Vagabonds*. And becauſe all perſons have an *equality of Right* to chuſe and be choſen, without reſpect of *Birth*, *quality*, or *Wealth*, all Orders of men being *Level'd* in this Particular, therefore the Promoters of this way, are not improperly called *Levellers*; ſo that

See the *Agreement of the People.*

that this Term of *Levelling* is equivalent with *Ariſtotle's* *Ἰσονομία, which is tranſlated *æqualitas juris*, the *Equality of Right* before-mentioned; And the ſame *Author* ſaith, this Plea for *Equality of Right* in Government, at length introduceth a Claim for *Equality of Eſtates*, and the making of ſuch Lawes as the * *Agrarian* Lawes enacted by the popular *Bontefeus* in *Rome*, whereby it was made criminall for any man to grow *Richer than ordinary*. But of this, more anon.

6. Polit. cap. 2.

* *Indeque frequentantur* Agrariæ Leges, *quæ prohibent, ne quis nimis dives efficiatur.* Beſold. *in Synopſ. de* Democr.

Now therefore, ſince it appears, how injurious their Calumnies are, and how perilous their deſigne is, to the Parliament and Common-wealth, I ſuppoſe it were time loſt to ſtand to prove the *Improbability of their Succeſſe*, ſeeing all Perſons of Credit and Fortune, are concerned, to abhorre and deteſt this *Wild Project*: And though the *four Champions* made proclamation in the head of their *Agreement*; That *according to the nature of Truth, it hath made its own way into the underſtanding, and taken root in the hearts and Affections of moſt Men*; yet you muſt know theſe men they ſpeak of, are only the *rude multitude*, who underſtand no more of the buſineſſe, than that it may prove a hopefull way, to mend their own out of other men's Fortunes, and ſatisfie their naturall Appetites of Covetouſneſſe and Revenge, upon the Honourable and Wealthy. In conſideration whereof, I come next to give you a more exact and lively *Draught*, of the manifold miſerable *Inconveniences* of that Government, (or rather, *Confuſion*) ſo earneſtly contended for by the *Levelling* Party.

See the *Preamble* of the Agreement.

Firſt, Such a *Democratick*, or *Popular Forme*, that puts the whole multitude into an equall exerciſe of the *Supreme Authority*, under pretence of maintaining *Liberty*, is, in the Judgment of all *States-men*, the greateſt enemy of *Liberty*; For, the multitude is ſo Brutiſh, that (as the Emperour *Claudius* ſaid) they are * ever in the extreames of kindneſſe or Cruelty; being void of Reaſon, and hurried on with an unbridled violence in all their Actions, trampling down all reſpects of things Sacred and Civill, to make way for that their *Liberty*, which *Clapmarius* calls † a moſt diſſolute *licentiouſneſſe*, or a licence to doe even what they liſt; according to that of the *Lyrick*,

* *Plebs ut prona in miſericordiã, ita immodica in ſævitiam.*

† Clap. *de Arcan. dom. pop.*

——— *In vitium Libertas excidit, & vim*
Dignam lege regi. ———

When

when Liberty becomes the greateſt Vice, and degenerates into Violence. Such a *Liberty* as this is recorded by *Tacitus*, to have been among the *Parthians*, an *uncertaine looſe kind of People*, * *living rather without government, than in Liberty*; or as *Saluſt* ſpeaks of the *Abrogines*, *a rude ſort of men, without Lawes, without Government, free, and diſſolute.* And *Livy* † tells you, how things were come to that *paſſe in the popular State of* Rome, *that no regard was had either to the* Senate, *or to Magiſtracy, or Military Diſcipline, or to the Lawes and Cuſtoms of their Anceſtors.* When affaires are in this condition, then (as *Ariſtotle* ſaith) *Mera* Δημοκρατία *eſt extrema tyrannis*, meer Democracy (or liberty) is extreme Tyranny; and (as *Beſoldus*) *Plebs perniciosiſſimus ſit Tyrannus*, the People becomes a moſt pernicious Tyrant. Hence it is, ſaith *Guicciardin*, *Hiſtor. lib.* 2. very pertinently to our purpoſe, That *many times, when a People have got looſe from the yoke of a Tyranny or Kingly Government, out of a deſire of Liberty, they proceed from one Extreme to another*, & ſeſe, niſi retineantur, in effrænatam licentiam præcipitant; quæ quidem & ipſa, Jure Tyrannis, poteſt appellari, *and except they be reſtrained, run headlong to Licentiouſneſſe; which alſo may be rightly called a Tyranny.* To which accords that of *Pencerus*, who moſt excellently deſcribes the Effects of it in theſe words: * *The ſtudy of popular Air, applauſe, and humor, is a madneſſe no whit inferior to Tyranny it Self. Thoſe which ſeek after it, as Leaders of the People, become far more cruell and miſchievous than ſingle Tyrants can be: For, ſingle Tyrants are the leſſe able to doe miſchief, becauſe, they are conſtrained to ſtand in fear of others; but the furious Multitude fearing no colours, are hurried on like a Torrent, and beare downe all the Bankes of oppoſition.* So that (as *Clapmarius* ‖ ſaith) *reckon up thoſe flagitious Enormities of Kingly Government together; as breach of Faith, violation of things Sacred, depriving men of their Poſſeſſions, with all the Acts of Injuſtice and cruelty, and they abound much more in a meer Popular State* (or Levelling popularity) *than any other.* And therefore, († *Bodin* concludes) ſince it is the high Road *to Licentiouſneſſe and Tyranny, it is juſtly condemned by all wiſe men of the world.*

Secondly, Nor is is only a meer *Tyranny* in it Self; but ſo far deſtructive of a *Free State* (eſpecially a *Free State* newly erected)

* *Incerti nimirum, ſolutiq; & magis ſine dominio, quàm in Libertate.* 2. Annal. *Genus hominum agreſte, ſine legibus, ſine Imperio, liberũ, atque ſoluum.* Saluſt.

‡ *Quoniã ea demum Libertas* Romæ *eſt, non Senatũ, non Magiſtratus, non Leges, non mores majorum, non Inſtituta patrũ, non Diſciplinam veteri Militiæ.* Liv. l. 5.

* *Tales longè ſunt crudeliores, et longè plus nocent quàm ſolã Tyranny, &c.*

Clapm. de Flag. Dom. cap. 19.

† *Omnium prope judicio vapulat; ſò quòd inibi licentia pro libertate habeatur.* Bodin. 6. cap. 4. Petr. Gregor. 5. de Repub. cap. 3.

cted) that it ſoon cauſes a change of it into the form of a *regall Tyrannie*; according to that *Maxim* of Politicians, *Facilius eſt tranſitus à regimine Democratico ad Monarchicum*, The paſſage is quick and eaſie from a *meere Popularity* to *Monarchy*; And that, becauſe of thoſe Diſcontents, Emulations, and Tumults, which ariſe continually among them, and whereby their *Leaders* ſo tire them out, that in a little time, they † willingly yeeld themſelves under the yoke of any one Perſon, who ſeems willing and able to deliver and eaſe them by a ſettlement. Thus *Rome*, that ſtately Miſtreſſe of the World, who diſdained to ſtoop under Victorious *Cæſar*, falling afterward into Popular Diviſions, and Diſcords, more fierce than ever, ſoon grew weary, and willing to bow her neck under **Auguſtus*. *Plutarch* compares thoſe popular tumults to the pangs of a Woman in travell, calling them ὠδῖνας πολιτικὰς: the Pains of a Common-wealth, that † *muſt needs bring forth into the world ſome great Kingdom or Tyranny*. Now the Perſon inveſted after this manner, is uſually ſome one of their *Leaders*; who by ſoothing and carrying them on upon high and glorious pretences of *Liberty*, gaines ſo much confidence and Power among them, that in the end he bereaves them of liberty to diſturb him, or themſelves any further. Thus, and by ſuch Arts as theſe, *Julius Cæſar* firſt erected the *Imperiall Tyranny* at *Rome*, as *Piſiſtratus* likewiſe made himſelf abſolute at *Athens*, and *Dionyſius* the Tyrant at *Syracuſa*; who pretending Themſelves great Patrons of *Liberty*, ſtirred the people up againſt the *Senate* and *Counſellers of State*, as Enemies to that *Liberty*, whereof they were indeed the onely *Keepers*. And it is not to their *Leaders* alone, that they expoſe the *publique Liberty*, but oftentimes to thoſe out of whoſe hands it was firſt recovered: Thus, *Agathocles* the Tyrant of *Sicily*, *Periander*, and ſeverall others, have by this means, after they had been expelled, regained a poſſeſſion: And therefore it cannot be improper here, to return the Language of our *Levellers* in their late *Petition*, home to themſelves; that ſince They, and divers others *diſ-affected* perſons are ſo unwilling to imbrace the *Common-wealth*, in its preſent ſtate and true condition of Liberty, They are to be reckoned the only Cauſers of thoſe Taxes and other Inconveniences now lying upon us, whereas if they would unite (as they ought) our Burthens

† *Componi non poſſunt, niſi Imperio ad unum devoluto.* Clap. de Arc. Imp. l. 2. c. 14.

* *Eam Rempublicam diſcordiis civilibus feſſam, nomine principis, ſub Imperium accepit.* Tacit. Ann. 1.

† *Tumultus populares parturiunt Regnum.*

would be inconſiderable, becauſe the *Royall* and *forein Confederates* would have the leſſe Confidence to aſſail us, and force theſe Neceſſities upon us, were we once free from thoſe Diviſions, diſtractions, and diſ-ſatisfactions, which *Presbyters* and *Levellers* occaſion here among us.

Thirdly——It cannot but be ſad to conſider, what Tumults and Combuſtions muſt needs happen every year, by reaſon of thoſe prodigious multitudes, that are admitted to make choice of the Perſons to be intruſted in the *Repreſentative:* And though there be one Clauſe in the *Agreement*, which ſeems to provide againſt *Riots* at every chuſing of the *Members*, yet it is impoſſible to deviſe any meanes to prevent thoſe *Inconveniences* which will ariſe in a ſelf-opinionated Multitude upon ſuch an occaſion, wherein they all conceive themſelves to have an equall Intereſt and power, and touching which it can hardly be expected any Concluſion can be made, till from Arguments they proceed to Cuffs, and ſo in the end, the *Club* carry the Election.

Scinditur incertum ſtudia in cõtraria vulgus.

Fourthly, It hath ever been the Cuſtom in theſe meer *Popular Forms*, for the moſt part to make choice of the *loweſt of the People*, ſuch whoſe Perſons are held in Admiration by the reſt of their Fellowes, and like to ſatisfie them in all their phren'tick humours; a lively ſad example whereof we have in the popular State of *Athens*, where they choſe ſuch Perſons to participate of the *ſupreme Authority*, as would countenance them, and ſhare with them, in ſlaying or condemning the richer Sort, and then ſeizing upon their Poſſeſſions, plundring their Houſes, and many more ſuch fine effects of *Levelling* Liberty. Hence it is, they ſhift and change their Governers ſo often, rejecting, at every new Election, ſuch as they have found averſe to their licentious waies, as Enemies of Liberty, under pretence of putting Better in their places; that is, ſuch as indulge them in theſe and the like Courſes.

Contzen. 1. politi. cap. 20.

Greg. Toloſ. l. 4. *de Repub.* cap. 3.

Plebs Rectores meliores vocat eos, qui magis ei indulgent. Idē.

Fifthly, by this meanes, unlearned, ignorant Perſons, neither of Learning nor Fortune, being put in Authority, the Commonwealth cannot remain ſafe either in peace or war; for, though covetouſneſſe and private neceſſity, they will exerciſe rapin and Injuſtice in time of Peace, and by reaſon of their Ignorance in the Affaries of Government, the State muſt needs run a hazard in time of War, or any other publique extremity. Here, let me call

to

to mind a paſſage of the *Romans*, mentioned by *Aquinas**; among whom it hapned, that two Perſons being choſen by the *Conſuls*, for the Government of *Spaine*, they were after the Election found fault with, the one being very Poore, the other accuſed of being Covetous: And when it had been long debated, which of Them ſhould be intruſted, at length *Scipio*, to end the controverſie, ſtood up, and concluded neither, becauſe Perſons ſo qualified muſt needs be corrupt in their Government, and ever ſucking the Body Politick, like *Leeches*, whereſoever they can lay hold: yet ſuch Perſons as theſe, poor, and unexpert in Affairs, if they are *Buſie-bodies*, and have a nimble Faculty of prating, are uſually adored by the Vulgar, as the onely *Statesmen*.

* Aquin. *de Regim. Princ. l. 4. cap. 15.*

Sixthly, It is ordinary with the grand *Demagogues*, or Leaders of the People, to make Sale of *Elections*, and all Offices of Judicature, Honour and Authority: and upon theſe Terms they many times admit the better Sort into Places of power, and turn them out again at pleaſure: So that (* as *Plato* and *Plutarch* ſay) *meer Popularity is no Government, but is as it were a Market, wherein all Offices of Government are expoſed to ſale*; and He ordinarily gains the beſt bargain of Authority, that hath the longeſt Purſe, and moſt powerfull Tongue, to perſwade the † Clerks of the Market; whereby it is to be ſuppoſed on the other ſide, that the Purchaſers will ſee Themſelves no Loſers; it being a matter of Courſe, that ſuch as buy *Authority* ſhould ſell *Juſtice*.

* Δημοκρατία ἀκρατος, καὶ πολιτεία ἀλλὰ πάντων πολιτῶν πολιτεύων. Plato.

† *Ex Favore, & pretio, populus diſtribuebat Magiſtratus.* Polyb. 6. hiſtor. à pr. paratu. 1. dilc.

Seventhly, The Plea of our *Levellers* for yearly *Repreſentatives*, with this Caution, That no man ſhall be choſen a Member of two *Repreſentatives* together, and that in the Intervalls we may be governed by a Committee of their own Members, without a ſtanding *Councell of State*, is very irrationall. For, what underſtanding can a Succeſſion of mean and new elected Perſons have of the publique Affairs, ſo as to manage them with Skill and Advantage, in ſo ſhort a Time, ſeeing it is uſe and experience that fits a man for the carriage of Grand Concernments of State. We find in the *Roman State* (when it was moſt *Popular*) that the Multitude were never ſo mad as to caſt off, though they took upon them now and then to controll, the *Senate*, which

was their *ſtanding Councell*; and without which no *Common-wealth* can continue of any long ſtanding: And thherefore it is that rather than ſuch a *Councell of State* ſhould be wanting, * *Ariſtotle* adviſeth us to intruſt them with Affaires altogether, they having all thoſe Advantages of Obſervation, Cuſtom, and Experience which cannot be expected from a tumultuary Succeſſion, of raw and unexpert *Statiſts*. As for example, we read, in what a flouriſhing condition the Common-wealth of *Athens* continued, as long as Affairs were ordered by that Famous *Councell*, the *Areopagites*; and no ſooner did the power come into the hands of the People, but afterwards all turned to confuſion. It were much to be wonder'd, that the State of *Rome* ſtood ſo long in a *Popular Form*, but that we know it was alſo underpropp'd by the Wiſdome and Authority of the *Senate*, and had many eminent *Pillars* to ſupport it; as *Menenius Agrippa*, *Furius Camillus*, *Papirius Curſor*, *Fabius Maximus*, *Cato Cenſor*, *Marcus Scaurus*, and *Pompey*, upon whoſe Vertues its ſubſiſtence depended, and not upon thoſe *Tumultuary Sots*, the *Many*. Thus likewiſe, the popular State of the † *Thebans* ſubſiſted a while, by the ſingular Wiſdome and Valour of *Pelopidas* and *Epaminondas*; who were no ſooner gone, but the *Popularity* ſunk of it ſelf, and came to nothing. How much ſafer then muſt it needs be for the People of this Nation, to leave the Succeſſion of *Repreſentatives*, and the Form of a Councell in the future, with the time and manner of their Conſtitution, and Rules for Election, to be ordered by the wiſdome and diſcretion of Parliament, than after the humour of ſome obſcure perſons, whoſe Knowledge and Intereſt in the Publique matters, is no whit comparable to theirs, and therefore not to be valued in competition with them, for the ordering of ſuch Affaires, as ſo highly concern the Good and Peace of the Publique.

* *Summa Reſpublica ſit penes paucos, qui antecellunt reliquos virtute & Sapientiâ.* Polit. 2.

Thucydides l. 2. pag. 63.

† Bodinus 6. de Repub. cap. 4

Eighthly, this *Popular Form* is the only enemy of true generoſity and vertue: For, how much the more excellent any man hath approved himſelfe, either in Conduct or Councell, ſo much the more he is ſuſpected, hated and calumniated, by the ungrateſull multitude. In the popular ſtate of *Rome* They had *Lex Repetundarum*, a Law whereby the multitude were inabled to call all publique Magiſtrates and Officers to Accompt; a courſe

Lex Repetundarum.

ſeeming

ſeeming plauſible enough in it ſelfe: But hence proceeded thoſe *Libera Accuſationes*, whereby the People having liberty to accuſe Magiſtrates, proceeded to *Calumniations*, and continually vexed with falſe and unreaſonall Charges, even thoſe who had been moſt faithfull, and done very famous Services for the *Common-Wealth*; juſt as our *Levellers* now exclaim againſt the Parliament, and would (if they might) rage againſt them about publique Accompts, as appeares by their old *Agreement*, and their late *Petition*; the conſequence whereof would be, that in the end they ſhould be *Oſtraciſed*, and receive an † OYSTER-SHELL, or an OLLIVE-LEAF, in recompence of all their Labours.

Libera accuſationes, & Calumniationes.

Thus, the moſt famous Captain *Alcibiades*, having done many Services for the *Athenian Populacy*, was only for a petty misfortune (and no other Cauſe) in mannaging the Warre of *Sicily*, called home, and baniſhed both from his Command and Country. At length, being ſent for home again, he made them Victorious over their Enemies the *Lacedemonians*; yet notwithſtanding ſo great merits, he was, upon another Turn of popular Air for a misfortune in *Aſia*, ſent the ſecond time into baniſhment by thoſe *Levellers*.

† *Oſtraciſmus* uſed at *Athens*, as *Petaliſmus* elſe-where; when the People baniſhed any eminent man, the Sentence was written either upon the *Shell of a Fiſh*, or an *Olive leafe*. Arift. 3. polit. c. 13. Phil. Camerar. *Cent.* 2. *oper. Succiſ.* cap. 51.

So likewiſe, another famous *Athenian* Captain, *Themiſtocles*, received no other reward than Baniſhment, for all his meritorious Atchievements. And *Miltiades*, who erected the *Grecian* Trophies in *Perſia*, and aſſerted the Liberties of *Greece* againſt all their Enemies, was uſed farre worſe, being kept a Priſoner all his life, and after his death, they not onely neglected to give him Buriall, but (to ſtretch their ingratitude yet further) condemned his Sonne *Cimon* to perpetuall Impriſonment. In like manner they uſed *Phocion*, the moſt deſerving of all the *Athenian* Commanders, but with much more cruelty; for, they murther'd him with their own hands, and afterward denyed him Buriall: Whereupon, *Bodinus* relating the Story out of *Plutarch*, makes this obſervation; That *when the Multitude begin to inſult againſt the moſt deſerving Men, they run beyond all Shame and Reaſon.*

Nor was it thus only in *Greece*, but we finde the ſame humour alſo among the *Roman Levellers*, whereof that illuſtrious Family of the *Scipio's* was a ſad Example. For, *Scipio Major*, he that

for his Famous exploits against *Carthage*, was Sirnamed *Africanus*, having rescued *Rome* from the Brink of Destruction, and freed her from the fear of that pernicious *Rival*, was, at his return home, so afflicted and vexed with injurious Calumnies of the unthankfull *Rabble*, that for quietnesse sake he spent his dayes in a voluntary exile, and at his death, commanded such an * *Epitaph* to be fixed upon his Monument, as might testifie to After-times the great ingratitude of his People. They accused his *Brother* also, Sirnamed *Asiaticus*, of defrauding the Common-wealth, and kept him a Prisoner. In the same manner, they calumniated likewise the most meritorious *Scipio Nasica*; so that to decline the popular Fury, he departed with the good will and consent of the *Senate*, as employed by them upon an Embassy to *Pergamus*, from whence he never returned. By this it appears then, that all generous Spirits are concerned in reason, to abhor the *Levelling way* of Government.

* *Ingrata patria, ne ossa quidem mea habes.*

* *Ubi Imperium plebis est, ibi Patricios ac nobiles, multis magnisque injuriis, affici necesse est.* Arist. 3. pol. cap. 7. *Inveratissimum fuit in Rep.* Romana *odium plebis adversus Patricios.* Tac.

Ninthly, *Aristotle* saith, where this *Levelling* popular Form is erected, there *is a necessity that all persons who are become eminent or potent, either by fortune, or vertue, should receive many high and heinous injuries from the Vulgar.* And *Tacitus* gives the reason why it was thus in the *Roman* State; *Because* (saith he) *the Common Rabble have a kind of inveterate hereditary hatred against the more noble, and worthy persons*, especially such as are *Councellours* of State; as appears by their frequent calumniating the *Senators*, punishing them sometimes with Banishment, as they did *Furius*, and many others, and often with unreasonable *Fines*, as they did * *C. Sempronius*, *Q. Pomponius*, and *Virginius*, *&c.* And all this, for the most part without any cause, but meerly to exercise their Spleen, which takes the same course of enmity likewise against all that are Wealthy, be they High or Low. For, it is reckoned † *inter Arcana*, a prime mysterie of *Popular Government*, *to use all private tricks and waits of Milking and Gelding the Purses of the Rich.* Nor is that alone sufficient, but they fly out ever and anon into violence, and from Plundering they proceed to flat *Levelling* of Estates, as is evident by those *Licinian* and *Agrarian* Lawes made by the *Populacy* of *Rome*, whereby it was provided, that *no man should grow too rich, nor be Master of above fifty Acres of Land.* And touching this, there is an insolent

* Liv. li. 4. & 5.

† Clapm. de Arcan. l. 2. c. 13

lent Passage recorded by *Livy*, how that when the *Senate* seemed unwilling to permit the Division of certain Lands among the common sort, the *Tribunes*, or Ringleaders of the People, asked the *Senators*, † *how they durst possesse more than fifty Acres apeice, yet find fault with a division made of two apeece to the People!* And the same Author tells us, so many Quarrells and Tumults arose about division of Lands, that the *Senate* knew not which way to prevent them, till they disburdened the Common-wealth, by sending forth Colonies, and satisfying them with Lands, in the remote Parts of *Italy*, and other Places.

† *Auderemne postulare, ut cum binis jugera agri plebi dividerentur, ipsis plus quàm quinquaginta jugera habere liceret?* Liv. l. 10.

Lastly, from *Levelling* they proceed to introduce an *absolute Community*. And though neither the *Athenian* nor *Roman Levellers*, ever arived to this high pitch of madnesse; yet we see there is a new *Faction* started up out of ours, known by the name of *Diggers*; who, upon this ground, That God is our *common-Father*, the Earth our *Common-Mother*, and that the Originall of *Propriety* was mens pride and Covetousnesse, have framed a new plea for a Returne of all men *ad Tuguria*, that like the old *Parthians*, *Scythian Nomades*, and other wild *Barbarians*, we might renounce Towns and Cities, live at *Rovers*, and enjoy all in common.

Now for a conclusion, all these Considerations being put together, you may easily spell what *Leveller* is, what the meaning is of those Zealous Pretenders to *Liberty* and *Freedome*, and what their *Pretence* may come to, it being the ready Road to all licentiousnesse, mischief, mere Anarchy and Confusion; which whosoever followes, may stay long enough, ere he see the performance of those glorious promises, set forth in their late *Petition*, wherein the People are made to believe fine things; but I leave them to judge, whether this be the way, [*to sit down securely under their own Vines, under the glorious administration of Justice and Righteousnesse.*]

Odi profanum vulgus, & arceo. Horat.

CHAP.

Chap. V.

A discourse of the excellency of a Free-State, *above a Kingly Government.*

HAving in the former *Chapters* Stated the Designes, and given an Accompt of those grand *Inconveniences*, which of necessity will ensue a Successe of the opposite Parties, this next discourse must needs be very pertinent, by way of conclusion, to manifest the excellency of the present Government, which They all endeavour to destroy. And though there needed no other Argument to prove it, and recommend it to the world, than this; That it is the only *Bank*, which preserves us from the Inundations of * *Tyranny* on the one side, and *Confusion* on the other; yet it wants not (of it selfe) those many Advantages, above all other Forms, which render it most convenient to promote the Peace, wealth, and honour of the *English* Nation.

* *If this Government be destroyed, we must expect a* Regall, *or a* Presbyterian, *or a* popular Tyrannie.

Yet it is a wonder to see, how lightly men prize this invaluable Jewell of *Liberty*, which hath cost the Common-wealth so much Blood and Treasure, trampling the precious *Pearl* under their Feet, like *Swine*; so that the Parliament meet now with as many difficulties to preserve, as ever they had to purchase it. But for this, there are two speciall Reasons, which may be collected out of the † *Florentine's* subtile discourses upon *Livy*; who compares such as have been educated under a *Monarchy* or *Tyranny*, to those Beasts which have been caged or coop't up alll their lives in a Den, where they seem to live in as much pleasure, as other Beasts that are abroad; and if they be let loose, yet they will returne in againe, because they know not how to value or use their *Liberty*: So strong an Impression is made likewise, by education and Custome from the *Cradle*, even upon men that are endued with reasonable Souls, that they chuse to live in those Places and Customes of government, under which they have been bred, rather than submit to better, which might make more for their Content and Advantage. Hence it is, that those poore Slaves under the *Turk*, *Persian*, *Tartar*, *Muscovite*, *Russian*, *French*, and *Spaniard*, with other *Eastern*, *Northern*, and *Western* Tyrants, are so enamoured of their *Chains*, that they

† Mach. de Rep. l. 1. c. 16, 17, & 18.

they admire their own condition above all others, and (like the *Indians*) adore the *Devill* which torments them, because they are ignorant of a better Deity to protect Them.

But besides *education* and *customs*, under another *Form*, there is a *second Reason* why men are so degenerous in Spirit, as to vassalize Themselves, and neglect the maintenance of their *Liberty*; and that is, a *generall Corruption and Depravation of manners*, by luxurious Courses, when a Nation is even swallowed up with Riot and Luxury; so that being Slaves to their owne Lusts, they become the more easily inslaved unto the Lusts of another. The Truth of this may be observed in the variation of the *Roman* State; which in its primitive innocence, was so sensible of *Liberty*, that when *Brutus* and *Colatinus* had once expell'd the *Tarquins*, the People all most readily joyned with then as one man, in defence of their *Freedom*; yea, they were so zealous of it for a long time, that no Relations or Considerations whatsoever of former merits, could availe with them to spare those that attempted ought against it: For, when the Sons of *Brutus* were found guilty of a conspiracy, to bring back the *Tarquinian* Family, They condemned them to death, and their own *Father* was as forward as any, to bring them to Execution: So the famous *Manlius* likewise, to whom *Rome* owed both her selfe and *Liberty*, being by him preserved against the *Galls*, in the greatest extremity, was notwithstanding, upon a discovery of his after-Intent to surprize their *Liberty*, thrown headlong down the *Tarpeian* Rock, within view of the *Capitoll* which he had so nobly defended. By which Actions you may perceive, that when *Rome* was in its pure estate, vertue begat a desire of Liberty, and this desire begat in them an extraordinary Courage and Resolution to defend it; which three walked a long time hand in hand together, and were the Causes, that the first Founders of their *Freedome* had so little difficulty, in maintaining themselves, against those Invasions which hapned afterward, by the *Tarquins* and their *Royall Confederates*. But in processe of Time, when the *Romans* had lost that ancient vertue, which purchased their *Liberty*, and an *Empire* over the world; being softned in their manners, and conquered by their vices whose Dominions they had conquered, they soon bowed under the Florus.

yoke of *Imperiall Tyranny*; And though there appeared afterward ſome ſparks of ancient courage and love of liberty among Them, when They took off *Cæſar* himſelfe, *Caligula*, *Nero*, and in the end rid Themſelves quite of that Tyrannicall Stock of the *Cæſars* yet (I ſay) becauſe thoſe *Sparks* were kindled only in a few of the more noble Soules, and the generallity corrupt and degenerate from their old vertue, therefore ſuch heroick minds as endevoured, could by no means engage Them to aſſert their *Liberty*.

It is obſervable alſo in all times, the *Northern* and more manly People, that have no Acquaintance with luxurious Diets and Apparrell, nor care much to obtain Them, nor to taſte of thoſe melting Enchantments of more wanton Nations, are endued with a greater courage and Sence of Liberty; whereas thoſe People that inhabit the delicate parts of the world (as in *Aſia*, and other Countries, where civility hath degenerated into effeminacy) They ever have lived, and do (for the moſt part) continue in miſerable Slavery, at the will of imperious *Tyrants*: And if at any time there have happen'd worthy Reſolutions in vertuous Spirits, to recover their *Freedom*, They have (for the moſt part) failed in the Enterpriſe, by reaſon of the Corruption of their Party, which cauſeth men at length to decline the common Cauſe, through puſillanimity, Faction, Treachery, or Apoſtacie; being more ſuperſtitiouſly inclinable to adore the greatneſſe of a *Tyrant*, than really affectionate to the worth of *Liberty*. For this Cauſe it was, that in elder time, the People of *Naples*, *Milain* and *Florence*, loſt their *Freedoms*, as ſoon as they had gotten it; and of late alſo the *Neapolitans* failed in their Attempt, being a ſoft effeminate people, eaſily bribed and courted out of their Deſigne, with *Spaniſh* Gold and Complement; whereas the *Swiſſes*, *Hollanders*, and divers other hardy People, ſtuck cloſe to their *Leaders*, and by their conſtancy, Induſtry, and Zeal of Liberty, accompliſhed the work.

Mach. l. 1. c. 17 *de Repub.*

By which parcell of diſcourſe we may collect, whence it is, that our preſent *Governers* meet with ſo many difficulties and oppoſitions from their owne Country-men here in *England*, *viz.* by reaſon of our former *education under a Monarchy*, with the generall debaucheries of all ſorts of People, which render them

Admirers

Admirers of the Pomp of *Tyranny*, and Enemies to that *Freedom* which hath been ſo dearly purchaſed. They are Lovers of Vanity more than of Themſelves or their Country, humorous, and led with an admiration of old Cuſtoms to their owne hazard, rather than they will ſteer a new and reaſonable Courſe of farre more Convenience and Commodity; ſo that if the Common-wealth had not a Party of its owne throughout the Nation, men of valour and vertue, free from thoſe Corruptions of Exceſſe and Riot, and ſenſible of *Liberty*, it were then in reaſon to be expected, they could not long maintain their Station: But being ſupported by Counſellers, grave, ſerious, abſtemious, and vigilant, and by a Soldiery, whoſe valiant Commanders are ſevere and ſtrict in Diſcipline, both Morall and Military, when I conſider this, with the many other Advantages which their Enemies have not, their Foundation ſeems to me impregnable, and prompts me to this *Omen*; That being every way qualified like † thoſe *Roman* Spirits of old, they will be Courted and confirm'd by the *Roman* Fortune.

† *Eis fuit domi Induſtria, foris juſtum Imperium, animus in conſulendo liber; neq; libidini, neque delicto obnoxius.* Saluſtius, *de* Catone *in ſuâ Concione ad Romanos Conſules.*

For ſhame or feare then (if not for love) let men forbear an oppoſition, and conſider what an honor it is to be in the Liſt of that Party, which have ennobled Themſelves by their owne vertue and the love of Liberty; For, as *Cato* ſaith in *Plutarch*, even the greateſt Kings or Tyrants are much inferior to thoſe that are eminent in Free-States and Common-weales; nor were thoſe mighty Monarchs of old worthy to be compared with *Epaminondas, Pericles, Themiſtocles, Marcus Curius, Amilcar, Barca, &c.* and other excellent Captains in *Free-States*, which purchaſed Themſelves a Fame in defence of their *Liberties*. And though now the very name of *Liberty* is grown odious or ridiculous among us, it having been a Stranger a long time in theſe parts; yet in ancient time, Nations were wont to reckon themſelves ſo much the more noble, if they were free from the yoke of *Regall Tyranny*; which was the cauſe why there were then ſo many *Free-States* in all parts of the world. In our Country here, before the time that *Cæſar's* Tyranny tooke place, there was no ſuch thing as *Monarchy*: For, the ſame *Cæſar* tells us, how the *Britains* were divided into ſo many ſeverall States; relates how *Caſſevellanus* was, by the Common Councell of the Nation, elected

Cæſar. *Comment. lib.* 5.

elect in this their publique danger, to have the principall administration of the State, with the busineſſe of Warre: and afterward how the ſeverall Cities ſent their Hoſtages unto him. Whereby we perceive it was of old no *Monarchy*, but like to the *Gaules*, with whom it was then one alſo in Religion, divided into provincall Regiments; * withont any entire rule or Combination; onely in caſe of common perill, by Invaſion, &c. they were wont to chuſe a Commander in Chief, much like the *Dictator* choſen by the *Romans* upon the like occaſion. And now we ſee all the *Weſtern* world (lately diſcovered) to be, and generally all other Countries are, *in puris naturalibus*, in their firſt and moſt innocent condition, ſettled in the ſame Form, before they come to be inſlaved, either by ſome predominant power from abroad, or ſome one among Themſelves more potent and ambitious than his Neighbors. And ſuch was the State heretofore, not onely of our Nation, but of *Gaule*, *Spaine*, *Germany*, and all the Weſt parts of *Europe*, before the *Romans* did by ſtrength and cunning unlock their Liberties. And ſuch as were then termed *Kings*, were but as their *Generalls* in War, without any other great Juriſdiction.

* Sam. Daniel. *of the State of* Britain.

If we reflect likewiſe upon the ancient State of *Italy*, we find no other Forms of Government but thoſe of Free-ſtates and Common-weals; as the *Tuſcans*, *Romans*, *Samnits*, and many others; nor is there mention made of any Kings in *Italy* beſides thoſe of the *Romans*, and *Porſenna*. Concerning the ruine of whoſe Family, though Hiſtories are ſilent; yet we reade, that *Tuſcany* (whereof *Porſenna* was King) became afterwards a *Free-State*, and continued ſo Zealous of *Liberty* ever after, and ſuch haters of *Monarchy*; that they denyed the *Veians* their aſſiſtance againſt the *Romans*, for no other reaſon, but becauſe thoſe *Veians* had made choice of a King to protect them in their neceſſity; ſaying, that they ſcorn'd to joyne with thoſe men who had ſubjected themſelves to the Government of a ſingle Perſon.

Mach. lib. 2. *Cap.* 2.

Nor is it onely a mere gallantry of Spirit which invites men to the love of *Freedome*; but experience tells us it is the moſt commodious and profitable way of Government, conducing to the enlargement of a Nation every way in Wealth and Domini-

on.

on. * *It is incredible to be told* (ſaith *Saluſt.*) *how exceedingly the* Roman *Common-wealth increaſed in a ſhort time, after they had obtained their Liberty.* And *Guicciardin* affirmes, that † *Free States are moſt pleaſing to God; becauſe that in them more regard is had to the common good, more care for impartiall diſtribution of Juſtice to every man, and the minds of men are more inflamed with the love of Glory and Vertue, and become much more zealous in the love of Religion, than in any other Form of Government whatſoever.* It is wonderfull to conſider how mightily the *Athenians* were augmented both in Wealth and Power, in the ſpace of one hundred years, after they had freed themſelves from the Tyranny of *Piſiſtratus*; but the *Romans* arrived to ſuch a height as was beyond all imagination, after the expulſion of their Kings. Nor doe theſe things happen without ſpeciall reaſon, foraſmuch as it is uſuall in *Free States* to be more tender of the Publique, in all their Decrees, than of Particulars, whereas the caſe is otherwiſe in a *Monarchy*; becauſe in this *Forme* the Princes pleaſure uſually weighs down all Conſiderations of the Common Good. And hence it is, that a Nation hath no ſooner loſt its Liberty, and ſtoopt under the yoke of an *Uſurper*, but it immediately loſeth its former Luſtre; the Body fills with ill humours, and may ſwell in *Title*, but cannot thrive either in Dominion or Riches, according to that proportion which it formerly enjoyed; becauſe all new Acquiſitions are appropriated as the Princes Peculiar, and in no wiſe conduce to the eaſe and benefit of the Publique.

It is obſervable likewiſe in the courſe of *Hereditary Monarchies*; that though a Nation may have ſome reſpit and recruit now and then, by the Vertue and Valour of a Prince, yet this is very rare; and when it doth happen, it uſually laſts no longer than his life, becauſe his Succeſſor (for the moſt part) proves more Weake, or Vicious, than himſelf was vertuous. For, as *Dantes*, the *Italian* Poet ſaith,

Non ſicut in ramos ex imo Stipite ſuccus
Influit, in liberos ſic orta parentibus ipſis
Deſcendit virtus.——

Vertue is not tranſmitted from Father to Sonne, as the Sap of a Tree is from the Root to the Branches. Vertue is loſt in the

* *Incredibile eſt memoratu; quantùm adepta libertate, in breui* Romana *Civitas creverit.* Saluſt.

† *Deo ſummoperè placeus; eò quòd in iis, magis quàm in alio genere Rerumpublicarum, commune bonum conſervetur, Jus ſuum cuique æqualiter diſtribuatur, Civium animi vehementius ad virtutem, &c.* Fr. Guicciard. *lib.* 10. *Hiſt.*

Lib. de Repub. 2. cap. 11.

descent, and comes not by *Traduction*: Therefore (*Machiavel* saith) Not he that placeth a vertuous Government in his owne Hands or Family, and Governs well during his naturall life, but he that establisheth a lasting Form for the Peoples constant Security, is most to be commended. It is recorded in * History, that the *Hereditary* course of Government was so odious to the *Hungarians*, that when *Ferdinand* the first, King of the *Romans*, laid claim to that Crown, as Heir in his Wives Right, They chose rather to make a League with the *Turk*, than subject their State to the Inconveniences of an *Hereditary Succession*.

* *Tam obstinatè Jus suum urserunt, ut* Turcicæ *perfidiæ se committere maluerint, quàm Sceptris hæreditariis eum potiri.* Besold. de Successione regia, cap. 5.

Regibus est aliis, potiundi jure paterno
Certa fides, sceptrumq́; patris novus accipit hæres.
Nos, quibus est melior libertas, jure vetusto, Gunt. li. 1.
Orba suo quoties vacat inclyta principe Sedes,
Quodlibet arbitrium statuendi Regis habemus.

The *German* Poet *Gunther* (who reduced much of *Policy* into *Poetry*) in these Verses commends the fashion of his own Country, that since they had accepted the *Regall* or *Imperiall* Form of Government, they were accustomed to trust their own Judgments in making choice of their *Emperour*, rather than receive him blindly from the hand of Chance or Fortune: Nor doe I find any that think a *Monarchy* tolerable otherwise than upon Terms of *Election*, except it be *Lipsius*, and such partiall Pen-men as Himself, who were held in pension or relation by *Hereditary Tyrants*. For, besides that common Reason disswades men from taking Governers at Adventure, without respect of wisdome or vertue; so if we take a view of the miserable events of it in all Histories, it must needs deterre men from the love of such a Succession: And therefore the Argument usually brought in defence of it, that it is the only way to prevent the Inconveniences of an *Interregnum* where the Heire is uncertaine, is of no validity; since it hath caused ten thousand times more bloody Disputes between *Pretenders* in point of *Title*, than ever happened in those *Inter-regnall* Controversies, whith have risen betwixt Competitors by way of *Election*; witness the tedious fatall Bickerings which happened in *France* and other Nations among *Princes of the Blood*, and here in *England*, between the two Houses of *Yorke* and *Lancaster*. It is observed also, out of the antient *Roman* History,

ſtory, that all thoſe *Emperors* which ruled by right of *Inheritance*, proved moſt of them no better than ſavage Beaſts, and all of Them wicked, except *Titus*; but ſuch as were advanced by *Election* approved Themſelves noble and vertuous, as you may ſee in thoſe five that ſucceeded *Nerva* to *Marcus*: And no ſooner did the *Empire* return again into a Courſe of *Inheritance*, but it ran to a loſſe, and at length to the ruine of its glory and greatneſſe. Mach. *de Repub.* cap. x.

But, to wave this digreſſion touching *Hereditary* and *elective Monarchies*, I affirm, that neither of Them are to be compared with a *Free-ſtate*, nor to be admitted, unleſſe it be the latter by way of *Election*; and then only in caſe of extreme neceſſity, as the *Roman* Common-wealth was wont now and then to create their temporary *Dictators*, into whoſe ſingle Hands they tranſmitted the whole Power of ordering Affairs, in time of urgent and imminent danger, to avoid the Inconvenience of delay which might be occaſioned through the variety of Opinions, and multiplicity of Counſels: Howſoever *elective Kings* are found fault with, becauſe They uſually practiſe ſuch Sleights, that in a ſhort time, the Government which They received for their own Lives, becomes entailed upon their Families. *Dictator* was a King *pro Tempore*.

It is to be conſidered alſo, That the *Kingly* are not much leſſe deſtructive, than the Levelling *popular Tyrannies* to gallant and worthy men.

Sors iſta Tyrannis
Convenit; invideant claris, forteſque trucident. Claud. 6. *Conſ.* Honor.

Nor is it the worſe ſort of *Kings* or *Tyrants* only, that hate brave and deſerving Perſons; but even the moſt moderate, and thoſe that ſeem to be the beſt-conditioned become jealous and diſtaſtfull, ſuppoſing the Fame and gallantry of their Subjects, detracts from their own eſtimation: And therefore They uſually conſult which way to diſhonor or deſtroy Them; by which means men are terrified from the Love of glory and vertue. * *Demoſthenes* tells us, *Philip* the *Macedonian* was ſo full of vain-glory, *that he would arrogate the worthy Deeds of his Friends, and other men, to himſelf, and make them ſeeme to be his owne: And he ever hated thoſe Commanders and Governors which were victorious and ſucceſsfull, more than ſuch as were either careleſſe or unfortunate.* *Orat. id. Epiſt. Philippi.

His

† Curtius. *l. 6. suæ existimans quicquid cessisset alienæ.*

His Son *Alexander* was of the same humour too: For, *when* † Antipater *had gained a victory, which he intended himself to have had the honor of, he could not forbear to utter his Indignation, reckoning himself injured by the merits of his Subject and Servant.* And at another time, he caused *Parmenio* to be put to death, for no other cause, but because he hated him, being suspitious of his extraordinary merits. Thus the Emperour *Vespasian* likewise behaved himself toward the Generall *Antonius*, by whose means *Rome* was secured from him against *Vitellius*, and the Imperiall Diadem placed on his head, which was no sooner done, but *Vespasian*, in stead of a Reward, casheered him of his Command, and all other Imployment whatsoever; so that sinking under the Burthen of his owne despaire, and the others Ingratitude, he lived not long after. In like manner, *Alphonsus Albuquerquius*, after he had brought most part of the *East Indies* under the obedience of his Master the King of *Portugall*, was sent for home; and outed of his Command, died for meer grief and sorrow. Nor did *Consaluus* the great or *Ferdinando Cortese*, fare any better for all their Services: * *Consaluus*, after he had driven the *French* out of the Kingdom of *Naples*, and subdued it to *Ferdinand* of *Arragon*, was by him, at his coming to *Naples* put out of his Command, and carried into *Spaine* in little better condition than a Prisoner, where his heart broke for griefe immediately. How miserable then is the condition of the most generous Spirits under *Tyrannous Royalty*, wherein Princes count themselves dis-obliged by the bravest Actions of their Subjects! And *Tacitus* tells of one of the *Cæsars* upon the like occasion, *That he conceived it prejudiciall to his own honor and Fortune, and supposed himselfe insufficient to recompence extraordinary merits. For, good Turns seem then only acceptable to Princes, when they may be easily requited; otherwise, they return Hatred in stead of Thanks. Cominæus* also reports it from *Lewis* of *France* his own mouth; *That he much more loved those whom himselfe had obliged by bounty and courtesie, than such as had obliged him by their deserts.*

* Sepulveda. *Comm. ad* Arist. *polit.* 3. *c.* 9.

Destrui per hæc fortunam suam Cæsar, *imparemq; tanto merito rebatur. Nam beneficia usq; cò læta sunt, dum videntur posse exolui: Ubi multùm antevenêre, pro gratiâ odiũ redditur.* Tacit. *Annal.* 4.

Yea, so dangerous a Thing is Vertue in Prince's Courts, that it is as much as a man's life is worth to be commended for it. And to this purpose we have a story in *Polybius lib. 6.* how that one *Apelles* being Enemy to *Aratus*, a Favorite of King *Philip* the *Macedonian*,

Macedonian, took occasion to extoll him most highly to the King, as a Person admired by all for his many rare and incomparable Vertues, knowing this was the way to bring him out of the King's Favor; which was (saith one) a new way of revenge, and it took effect to the destruction of *Aratus*: For, after a while, he became so much distrelished, that the King gave him a *Dose* in convenient Season, which rid him away by a lingring Sickness. And *Aratus* so well understood how the Case was with him, that when his Friend *Cephalon* came to visit him in his Chamber, and asked *how it came to passe that he spit blood? O Cephalon* (said he) *these are the rewards of Kingly Friendship and Acquaintance.* Our own Histories, and our Neighbours of *France*, might furnish us with Instances enough of the same nature; but at home here look no further than *Harry* the 8th. and we find him ever and anon be-dabled with the Blood of the most deserving Persons, as well as most of his Predecessors. What persecution hath hapned since, is notorious to all of the meanest Reading and observation; so that seeing it appears there is as little Security for the bravest Spirits, in a *Regal*, as in a *popular Tyranny*, certainly, all Persons of generous Thoughts and Resolutions are much more concerned to dislike it, and apply Themselves to the love of a *Free-State*; it being concluded by *Aristotle* the best of *Governments*, and is by experience known to be most conducing to the Advancement of a Nation every way in Honor, Profit, and Dominion; having ever produced many more excellent *Heroes*, than any other *Form*, upon the Stage of Action; as is evident in the *Grecian*, *Roman*, and modern Stories.

Ταῦτ' ἔστιν, ὦ Κεφάλων, ὀπίχλες τῆς τυραννικῆς φιλίας. Plutarch. *in* Arato.

But one great Argument of exception (I perceive among some) against this *Government* is; because men are permitted the *Freedom* of their Souls and *Consciences* in the profession of *Religion*. This they conceive inconsistent with the publique Peace; that no State can be of continuance with such a *Toleration*; and that it is not agreeable to the Word of God. To the latter part of this *Assertion*, I answer, That *prudent Toleration* of opinions in matter of Religion could never be proved yet, by any of our *Episcoparians* and *Presbyterians*, in all their VVritings, to be repugnant to the VVord; being as farre to

seek this way, as they are to convince us of the sacred necessity of a *National Uniformity*. Severall Instances there are to shew, how this *Common-wealth* hath punished those *wild Pretenders*, that professe manifest *Libertinism* and *Blasphemy*; many of whom at this day are in Custody: And as long as these *Ill Weeds* are rooted out of the Garden of the Church, the wholesome *tender Plants* will thrive in Beauty and Vertue, under their severall *measures*, and *dispensations*.

And that variety of Opinions can be no way destructive of Publique Peace (as is pretended) is evident by the Customs of other Nations, both *Heathen* and *Christian*. The * *Egyptians* have now among them no lesse than *four severall Sects*, differing in Doctrine and Discipline, and all derived from the Superstition of *Mahomet*. Yet their great *Pontifes and* Priests, live in amity together, void of hatred and strife; and the common People also behave themselves accordingly, without brauling or enmity. And it is usuall for the more learned sort of Them, to Dispute with each other, and defend the Opinions of their Party, which they are allowed to do with all Liberty, so long as they flie not out into language against any of the *four Doctors*, who were the first Patrons of those Opinions. Wherein if any chance to Offend, they are punished by Fine and Imprisonment.

* Joh. Leo. l. 8.

Lipsi. *l. adversus* Dialogist.

Lipsius tells us, that in the Isle of *Japon*, there are no lesse than *nine Religions*, every man being at liberty to professe which he please: So that in the same House you might see the Husband of one Religion, the Wife of another, the Son of a third; and yet no heart-burning nor difference among them, to the disturbance of the Family. The *Turk* (we see) also allows an equal Liberty to *Christians* and *Jews*, yet his Empire hath long continued firme and Peaceable, notwithstanding the variety of Opinions tolerated among those of his own Sect, and others. The case is the same likewise in severall *Christian* dominions; as *Poland*, *Transylvania*, *Hungary*, and even in the Protestant Dominions in *Germany*. Yet the experiment is brought nearer home to us by our neighbours the *States* of *Holland*, who by a prudent toleration of severall Professions, have established themselves in such

such a measure of Peace, Plently, and Liberty, as is not to be equalled by any of the Nations round about them. And the Reasons why those Nations continue in Peace, notwithstanding their difference in *Religious Opinions*, are confessed by the same *Lipsius* (a great *Roman Catholick*) to be these: *First*, because the *Prince*, and he that is the *High Priest*, among them, carry themselves with the same Aspect upon all, giving no Countenance to one more than another. *Secondly*, because they severely punish such as offer to disturb their Neighbours about any matter relating to *Religion*. *Thirdly*, because they suffer not that Religion to be evill spoken of, which is publiquely professed by the *Prince* or *State*: whereby it is implyed, that a *Toleration* of different opinions in Religion, can be no prejudice to the Peace of a Nation, so long as these Rules are observed; but rather a grand Preservative of publique Quiet; whereas persecutions for matter of Religion have ever been all the world over the great Incentives of Sedition. And since it is of unavoidable necessity, that (while the world stands) there will be divisions of Opinion, certainly such a course must needs be most rationall, which shall provide waies of remedy against such Inconveniences as may follow them, rather than Inventions of Torture and Torment to thwart and stifle Them; because the *understandings* of men can no more be compelled than their *Wills*, to approve what they like not. So that from hence it appears plainly, the great pretenders of *Nationall Uniformity* in Religion, those high imperious *Uniformity-mongers*, that would have men take measure of all Opinions by their own, are the greatest disturbers of States and Kingdomes; and seem of the same straine with the Tyrant *Mezentius*, who, if his Guests were too long for his Bed, cut them shorter, and if they hapned to be too short, he had Engines of Torture to stretch them longer; being resolved to fit them all to his own measure and humour.

Severall other *Objections* there are against this new Government, in the mouths of many People; but they are founded upon outward *Sence*, more than inward *Reason*; they raise Ar-

guments from those Things which are the effects of present necessity, and not of the nature of the Government it self, whereas if men would unanimously joyn in an establishment, no such necessity would be: But as now, so alwaies all alterations of Government (though for the better) have been declaimed against by the more ignorant sort of People, supposing those Burthens will remain for ever, which Governors are constrained to lay upon Them for present subsistence and security: yet it hath been ever observed likewise, that the more willing and forward People have been to settle in Peace under a new Government, the sooner they have been eased of all their Grievances and Pressures; according to that saying of * *Curtius*, *Obsequio mitigantur Imperia.* And therefore in this case, † *Cicero* adviseth *all men that would be safe, to submit unto necessity.*

* Curt. *apud* Alex: *lib.* 8.

† *Omnes intelligant, si salvi esse velint, necessitati esse parendum.* Cic. *de offic. lib.* 2.

Whence is it that *Taxes* continue, but from absolute necessity? and this necessity is much augmented by the peevish humours of People; who remaining unsetled, give cause of Jealousie to the State, and of hope to their Enemies; so that they are forced to keep up an Army for security. When things stand thus, ‖ *Tacitus* affirms *there can be neither Peace nor Security without Armies, nor Armies without Pay, nor Pay without Taxes. And therefore* (saith he) *they aim at a destruction of the Government, that would take away those Profits whereby the Common-wealth is supported*; From whence (by the way) may be collected, what the meaning of our *Levellers* is, in demanding a present Release of all Taxes and Payments. And whereas great Complaint is made against the imprisoning men in unlawfull waies, and trying them by extraordinary *Courts* and *Commissions* of *Justice*, know that of *Tacitus* takes place ever upon extraordinary occasions: ‖ *Magna exempla semper habent aliquid ex iniquo, quod tamen adversus singulas utilitate publicâ rependitur.* Great examples are not tyed strictly to the Rule; and though some particulars suffer by swerving from it; yet recompence is made in that Profit, which redounds to the good and safety of the Publique: For, it cannot in Reason be presumed, that such ordinary Proceedings

‖ Tac. *Hist.* 4. *Dissolutionem Imperii docent, si fructus sustinetur, diminuantur.*

‖ Tac. Annal. 14.

as are used in times of Peace, can be sufficient to secure a Common-wealth, during the necessities of Warre, at which time * Laws use to be silent, and those Courses are judged most just and equitable, and have ever been allowed so by all States and States-men, which are dictated by common reason and prudence, for their necessary preservation. To this accords that of Queen *Dido* in *Virgil*,

* *Inter Arma silent Leges.*

Æneid. 1.

Res dura, & Regni novitas, me talia cogunt
moliri. ——— Seneca.

And that of *Hercules* in the *Tragedian*;

Quod civibus tenere te invitis scias,
Strictus tuetur Ensis. ———

Therefore if men will not submit and settle, but keep the *State* by their obstinacy, under the necessities of *warre*, they must (if they plot or attempt any thing against them) expect such proceedings and consequences as attend the *Sword* when it is drawne: But would they close cordially in affection, and be resolved once to settle, in opposition to all Invaders, and Intruders, and let the Common-wealth have leave to take breath a little, in the possession of a firme peace, then they would soon find the Rivulets of a *Free-State*, much more pleasing than the troubled Ocean of *Kingly Tyranny*; begetting Fertility and verdure (as they run along) in all the Medowes, and reviving those Pastures which *Royalty* was wont to drown and swallow. Had they but once tasted the sweets of *Peace* and *Liberty* both together, they would soon be of the opinion of * *Herodotus* and *Demosthenes*, that there is no difference between *King* and *Tyrant*, and become as zealous as the antient *Romans* were in defence of their *Freedom*. And though this discourse may sound like that concerning the Joyes of Heaven in the ears of ordinary people, as of Blessings afarre off; yet since it is in your power to hasten them, why stand ye off, and delay? ye may (if you please) by an unanimous obedience, quickly open the Fountains of future happinesse, that Justice may run downe as a mighty streame,

* See *Axiom. polit.* Rich. p. 152.

in

in the Channell of the Lawes and righteousnesse and Peace imbrace each other.

Seneca in Herc. Fur.

Si aterna semper Odia mortales gerant,
Nec captus unquam cedat ex animis furor,
Sed Arma felix teneat, infelix paret;
Nihil relinquent bella. Tum vastis agor
Squallebit Arvis subdita tecta face
Altus sepultas obruet gentes cinis.
Pacem reduci velle, Victori expedit,
Victo necesse est.

FINIS.

An Appendix, added out of *Salmaſius*, and M. *Hobbs*.

NOtwithſtanding that I have already in the former part of this *Treatiſe*, ſufficiently proved theſe two particulars, *viz.* [That *the Power of the Sword gives Title to Government*: And that *Governers thus inveſted (though perhaps unlawfully) may, and muſt be lawfully obeyed*;] yet being to appear in the world with a *ſecond Impreſsion*, and in regard of the preſent Controverſie touching Government, hangs upon theſe two hinges, I thought meet to faſten them more ſurely upon the Reader, and drive the *nailes* home to the head, by inſerting ſome Additions, which I have collected out of *Salmaſius* his *Defenſio Regia*, and out of M. *Hobbs* his late book *de Corpore Politico*. Not that I eſteem their Authorities any whit more Authentick than thoſe which I have already alledged; but onely in regard of the great reputation allowed unto thoſe Books by the two Parties, *Preſbyterian* and *Royall*; And I ſuppoſe no man may triumph, or cry a victory, more honourably then my ſelfe, if I can foile our Adverſaries with weapons of their own approbation. Wherefore I commend the whole to the conſideration of thoſe *hot-liver'd Gentlemen*, which call themſelves the *Non-ſubſcribers* of *Cheſhire*, *Lancaſhire*, and the parts adjoyning; who may (if they pleaſe) find a faire return here for all their malicious expreſſions, and matter enough, whereby to frame *Anſwers* to their own futilous *Objections*.

How fairly the *Sword* tranſ-mitted a Title to our preſent *Governers*, and how lawfully they ſtand poſſeſſed, is cleared in the firſt part of this *Treatiſe* in particular; but the onely drift at preſent is, to determine the point of *Power* in *generall*, and

of

of ſubmiſſion and obedience to ſuch a *Power*, though it had been unlawfully gained. And now to the purpoſe.

Of the Power of the Sword, in point of Title, according to the Opinion of Salmaſius, *in his* Defenſio Regia.

Populi dupliciter modo in alterius arbitrium ſe dedunt, &c.

Pag. 188. and 189. he ſaith, People uſually ſubmit to the will and pleaſure of others, in a twofold manner, and yeeld to be governed by them, either by *force* and *conſtraint* after victory, or *voluntarily* by their own conſent. Both theſe wayes they are conceived to quit their own power, and transfer it irrevocably to him (or them) that take them into protection. And though ſuch as are ſubdued by Arms loſe their power by *force*, yet being neceſſitated to yeeld ſubmiſſion to the *Victor*, he is ſuppoſed to rule over them by their own *conſent*. Moreover, it is to be obſerved, that in this caſe, not all thoſe which yeeld to the conditions of an unjuſt peace impoſed by the enemies, but thoſe only that bare Arms, are underſtood to be the *Conquered Party*: And becauſe the reſt that never bare Armes are conſtrained to follow the fortune of the other, therefore for the ſetling of a firm peace, there followes a neceſſity of ſuch a Compact or Agreement (though it ſeem ſomewhat unjuſt) that the *Conquerors* ſhould give *Law*, and become Lords to them all, as the *Conquered Party*. Therefore when *Auguſtus* had deprived the *Romans* of their Liberty by force of Armes, the people ſeeing him in a condition to impoſe what Lawes he pleaſed upon them, framed a *Law Royall*, whereby they reſigned up all power into his hands, when they could no longer reſiſt him, and took an Oath of *Allegiance*, as you may read there at large.

And this he illuſtrates, pag. 191. by a *Simile*; that as in the Caſe of a *Rape* by the old Law, if a woman had once deſired to marry a man, and it had hap'ned afterwards that he took her away from her friends by force and raviſhed her, ſhe was no leſſe his lawfull wife, than if ſhe had been given to him by her Parents; The marriage alſo became as lawfull, though ſhe were forced, if ſhe gave conſent to it after the *Rape*: So likewiſe the ſame may be ſaid of him, or them, who hold a government over men by force after a victory; * foraſmuch as by that

* *This is that* tacit Conſent, *mentioned by me in Part* 1. *c.* 4. *p.* 23, 24.

conſent

conſent of the people, which the people can no longer deny, the Power of governing is eſtabliſhed in the *Conquerors* hands, and becomes no leſſe lawfull, than if the people had conſigned it to them of their own accord.

Pag. 195. *Quod Armis queritur, tranſit in ejus dominium qui acquiſivit, &c.* Whatſoever is ſought by force of Armes, falls of right into his Power, who hath made himſelf Maſter. Hence it was, that when ever ſuch as were overcome in war, ſought to change, or caſt off their new Lords and Maſters by Rebellion, being proved guilty of the fact, * they were either impriſoned, or hanged. For, (ſaith he, pag. 197.) it is evident, even by the light of naturall reaſon, that ſuch as are ſubdued ought ever to remain ſubject to the ſubduers, † becauſe they had Quarter given by the *Conqueror*, when by the *Law of Armes* it was in his election to deſtroy or ſave them: And therefore they are bound, in conſideration of his favor and protection, to ſerve and obey him faithfully.

* *Cruci affigebantur, aut in Ergaſtulum trudebantur.* pag. 196.

† *Quos poterat jure belli perdere, ſervatos maluit.*

Pag. 228. he ſaith, that at this day there is no Commonwealth or Kingdome extant in *Europe*, *Aſia*, or *Africa*, that can lay claim to any other beginning and increaſe of their greatneſſe. And *Pag.* 198. he ſaith, that if the transferring and holding of Governments on this manner by way of purchaſe and poſſeſſion, were not allowable, then it would follow there are no lawfull ones now in the world, * ſince there are very few or none at all, that had any other beginning. Thus *Alexander* the Great carried away the Empire from the *Perſians*. After his death, his great *Captains* by force converted the ſeverall Provinces under their command into ſo many Kingdoms, which in time were ſwallowed up by the *Roman* Empire. At length likewiſe, the *Roman* was divided by thoſe barbarous Nations, that iſſued like an Inundation out of the *North*, and over-ran *Europe*, *Aſia*, and *Africk*. In *Britain*, the *Saxons* drave out the old *Britains*, the *Danes* the *Saxons*, as the *Saxons* afterward drave out the *Danes* again, and then were themſelves ſubdued by the *Normans*.

* *Imò nulla, quæ non ad hoc inſtar nata, vel facta fuerint.*

Of Submission and Obedience to Power (supposed usurp'd and unlawfull) according to the Opinion of the same SALMASIUS, *ut Suprâ.*

*Pag.*71. speaking about *Christ* and his *Apostles* paying Tribute to *Cæsar*, saith he, who was this *Cæsar*, to whom they paid Tribute? Was he a good and lawfull Prince? Or, was he not rather a cruell *Tyrant*, both in the usurpation, and exercise of his Power? It was *Tiberius* that then reigned, who by the practises of his Mother, possessed himselfe of the *Empire*, to which he had no right, and secured it by the subtile sleights and wickednesse of a woman, while the right Heire was excluded. Having invaded the *Soveraignty* as a *Tyrant*, as a *Tyrant* he ruled; yet since *Christ* himself so freely and willingly submitted himself, did he not in so doing signifie by the Doctrine which he delivered, and commanded his Disciples to publish to all Nations, That he desired not any change of that form of Government, which was then established? And did not his Apostles delare to their Successors, and recommend unto the people, the very same Doctrin which they received from their Lord and Master? *Peter*, in that his Epistle generall, which he wrote to the Jewes, scattered in all Nations, cammanded them to submit to *every Ordinance of Man*; by which (according to the best interpretation) is meant all Principality, or Magistracy whatsoever. To whom accords *Paul* in his 13. to the *Romans*, where, according to the old *Greek* Copies, we read, [*To all super-eminent Powers*] and in the old Latin [*Be ye subject to all higher Powers*] as it is read also by *Irenæus* and *Ambrose* in their Commentaries. And whereas *Peter* saith, [*To every ordinance of man*] it is meant to every Power which is set over men, to all Magistrates, as well as to Kings, and whereas he saith, *to the King as super-eminent*, it is to be noted, that Epistle was written from *Babylon*, and so the subjection must be meant then of the King of the *Parthians*, to whom he willed the Christians in the Provinces of that Country to be subject; and whereas it was super-scribed to the converted *Jewes* that dwelt in *Pontus*, *Galatia*, *Cappadocia*, *Asia*, and *Bithynia*, those things spoken by *Peter*, may be meant likewise of the

the *Roman* Emperour. And who was *Emperour* at that time but *Nero*? no ordinary Tyrant, but the moſt notorious cruell Tyrant in the world: ſo that in all times ſince his name hath been made uſe of, by all Nations, as an ordinary Appellation for the worſt of *Tyrants*. But whether it were to the King of the *Parthians*, or to the *Roman* Emperor, or whatſoever *Tyrant* beſides, *Peter* affirms there is a debt of Subjection due unto them from the People. So likewiſe doth *Paul*, in his fore-mentioned Chapter to the Romans, and gives the reaſon, why we ſhould ſubmit to all ſupereminent Powers; becauſe *There is no Power but of God*; *the Powers that are, are ordained of God:* And from thence he infers, *Whoſoever reſiſts the Power, reſiſts the Ordinance of God, and they that reſiſt ſhall receive damnation.* Laſtly, he ſaith, ſubjection muſt be yielded, not only for fear of the anger of the Magiſtrate, but alſo for *Conſcience ſake*: As if we could not preſerve a Conſcience pure and upright before God, except we paid the obedience due unto all Magiſtrates whatſoever, without diſpute concerning their Right of Power and Supremacy.

Non eſſe poteſtatem niſi à Deo. Nihil differunt, *omnes poteſtates eſſe à Deo ordinatas, & nullam eſſe niſi à Deo.*

Pag. 113. *Paul* in his firſt Epiſtle to *Timothy*, ch. 2. exhorts that *Prayers and Supplications be made for all that are in Authority, that we may lead a quiet and peaceable life in all godlineſſe and honeſty*; becauſe godlineſſe and honeſty cannot well ſubſiſt without peace and tranquillity; and there can be no peace and quietneſſe without the ſafety of our Governers. But what were thoſe Governers which the Apoſtle commanded us to pray for? Certainly, they were *Tyrants* by Uſurpation, that ruled in a tyrannicall manner, haters of the true Religion, Perſecutors and Idolaters. Yet this was the Rule, this the Law, this the Commandement. And, as he obſerves, *Pag.* 197. *Chriſt* himſelf was content to be born, to live and pay obedience, to acknowledge their Authority in matter of Tribute and Judicature, and at laſt to be condemned injuriouſly, and ſuffer death moſt ſhamefully, under a tyrannical uſurped Governmment.——Much more he hath to the ſame purpoſe; but let this ſuffice out of one of their own *Oracles*, to ſhew; That if the preſent power were uſurp'd, (as our *Antagoniſts* would ſuppoſe, though as yet they never proved it) yet their Conſciences cannot be ſecure from the guilt of that *Treaſon*, wherein they muſt needs involve Themſelves,

ſelves, if they proceed in their pertinacious courſes of diſobedience and oppoſition.

Arguments for Submiſſion, brought out of Mr. Hobbs *his Book,* de Corpore Politico.

Part. 1. Chap. 6. Sect. 11. If it be true, which Mr. *Hobbs* ſaith; *That the Cauſe in generall which moveth one man to become ſubject to another, is the fear of not otherwiſe preſerving himſelfe. And if a man may ſubject himſelf to him that invadeth, or may invade, for fear of him.* Or, if *men may joyn among Themſelves, to ſubject Themſelves, to ſuch as they ſhall agree upon for fear of others: And, if when many men ſubject themſelves the former way, there ariſeth thence a Body politick, as it were naturally;* Then it appears, that ſince there is no other poſſible way to preſerve the wel-being of this Nation; but by a Submiſſion to the preſent Powers (as I have proved in the *ſecond Part* of this *Treatiſe,*) we may pay ſubjection to them, in order to our ſecurity: nor can any hold a Plea for *Non-Submiſſion,* upon pretence of having been invaded, or over-maſtered by thoſe whom he reckons here as *Invaders,* or *Uſurpers.* Nor can the *Prevailing Party* of this Nation be blamed in any wiſe, for joyning among Themſelves, to ſubject Themſelves to ſuch as are now in Authority, for fear of *forreign Invaders;* but having thus ſubjected themſelves, they are naturally, lawfully, and completely united in the form a of Body politike, or *Common-wealth,* truly called, *The Common-wealth of England.*

Part. 2. Chap. 1. Sect. 5. Mr. *Hobbs* ſaith further; *The end for which one man giveth up, and relinquiſheth to another, or others, the right of protecting or defending himſelf by his own Power, is the ſecurity which he expecteth thereby, of protection and defence from thoſe to whom he doth ſo relinquiſh it; and a man may then account himſelf in the ſtate of ſecurity, when he can foreſee no violence to be done unto him from which the doer may not be deterred by the Power of that Soveraign or Supreme Authority that is ſet over them; And without that ſecurity, there is no reaſon for a man to deprive himſelf of his own Advantages, and make himſelf a Prey to others. How far therefore in the making of a Common-wealth, man ſubjecteth his will to the power of others, muſt appear from the end, namely, Security.* From whence

may

may plainly be inferred, that ſince no ſecurity for *Life, Limbs,* and *Liberty* (which is the end of all Government) can now be had here, by relinquiſhing our right of ſelf-protection, and giving it up to any other Power beſide the preſent; Therefore it is very unreaſonable in any man to put himſelf out of the protection of this Power, by oppoſing it, and reſerving his obedience to the K. of *Scots*, or any other Power whatſoever, it being clear, that neither he, nor any other, can now protect us, by affording any poſſible preſent *ſecurity* from violence and Injury.

Sect. 8. He ſaith, *And forasmuch as they who are among themſelves in ſecurity, by the means of this* [Power, or] *Sword of Juſtice that keeps them all in awe, are nevertheleſſe in danger of enemies from without, if there be not ſome means found to unite their ſtrengths and naturall Forces, in the reſiſtance of ſuch enemies; their Peace among themſelves is but vain. And therefore it is to be underſtood as a Covenant of every Member, to contribute their ſeverall Forces for the defence of the whole, whereby to make one Power, as ſufficient as is poſſible for their defence. Now ſeeing the uſe of every mans ſtrength is transferred to him, or them, that have the Sword of Juſtice, it followeth, that the power of Defence, that is to ſay, the Sword of War, be in the ſame hands, wherein is the Sword of Juſtice; and conſequently thoſe two Swords are but one, and that inſeparably and eſſentially annexed to the Supreme Power.* Sect. 8.

Sect. 9. *Moreover, ſeeing to have the right of the ſword, is nothing elſe but to have the uſe thereof, depending only on the judgment and diſcretion of him, or them that have it, it followeth, That the Power of Indenture in all Controverſies, wherein the Sword of Juſtice is to be uſed; and in all deliberations concerning war (wherin the uſe of that Sword is required,) the right of reſolving and determining what is to be don, belong to the ſame Soveraign or Supreme Power.* Sect. 9.

Sect. 10. *Farther, conſidering it is no leſſe; but much more neceſſary to prevent Violence and Rapin, than to puniſh the ſame when it is committed, and all Violence proceedeth from Controverſies that ariſe between men concerning* Meum *and* Tuum, *Right and Wrong, Good and Bad, and the like, which men uſe every one to meaſure by their own judgements, it belongeth alſo to the judgement of the ſame* Sect. 10.

Supreme

Supreme Power, to ſet forth and make known the common meaſure by which every man is to know what is his, and what another's; what is good, and what bad, and what he ought to do, and what not, and to command the ſame to be obſerved. And theſe meaſures of the Actions of the Subjects are thoſe, which men call Laws Politick, *or Civill. The making whereof, muſt of right belong to him that hath the* Power of the Sword, *by which men are compelled to obſerve them; For, otherwiſe they ſhould be made in vain.* All theſe *Sections* are ſo expreſſe and poſitive to our purpoſe, that I need not preſſe the Inferences for *Submiſſion*, upon the meaneſt Underſtanding.

Part. 2. Chap. 3. Sect. 2. *There are three Titles onely, by which one man may have Right and Dominion over another. The firſt is* Hereditary, *and takes place upon ſuppoſition of Children begotten: The other two may take place preſently, and theſe are* Voluntary *offer of Subjection, and yeelding by* Compulſion. Likewiſe (he ſaith in the 2. Chap. Sect. 15.) *A man is releaſed of his former Subjection by* Conqueſt. *For, when it cometh to paſſe, that the Power of a Common-wealth or Kingdom is overthrown, he is diſcharged of his Obligation to the former: For, no man can ſerve two Maſters.*

Part. 2. Chap. 7. Sect. 11. *And ſince God ſpeaketh not in theſe dales to any man by his private Interpretation of the Scriptures, nor by the Interpretation of any Power above, or not depending on the Supreme Power of every Common-wealth, it remaineth, that he ſpeaketh by his* Vice-Gods, *or Lievtenants here on earth, that is to ſay, by Soveraign Kings, or ſuch as have Soveraign Authority as well as They.*

Chap. 6. Sect. 11. *Theſe things conſidered, it will eaſily appear, that under the Soveraign Power of a Chriſtian Common-wealth, there is no danger of Damnation from ſimple Obedience to human Laws: For, in that the Soveraign alloweth Chriſtianity, no man is compelled to renounce that Faith, which is enough for his Salvation, that is to ſay, the Fundamentall Points. And for other Points, ſeeing they are not neceſſary to Salvation, if We conform our actions to the Laws, We do not only what we are allowed, but alſo what we are commanded by the Law of Nature, which is the moral Law taught by our Saviour himſelf. And it is part of that Obedience which muſt concur to our Salvation.*

Sect. 12. Sect. 12. *And though it be true, that whatſoever a man doth againſt*

gainſt his Conſcience, is ſin; yet the Obedience in theſe Caſes is neither ſin, nor againſt the Conſcience. For, the Conſcience *being nothing elſe but a mans ſetled Judgement, and Opinion, when his Right of Judging is once transferred to another, that which ſhall be commanded, is no leſſe his Judgment, than the Judgment of that other. So that in obedience to Laws, a man doth ſtill according to his own Conſcience, but not his private Conſcience. And whatſoever is done contrary to private Conſcience, is then a ſin, when the Laws have left him to his own Liberty, and never elſe.*

Theſe things (together with the whole *Treatiſe*) I once again recommend to all *Non-Subſcribers* (whether *Royall*, or *Presbyterian*) God give them impartiall hearts to weigh the Particulars.

Rode, caper, vitem; tamen hîc, cùm ſtabis ad Aras,
In tua quod ſundi Cornua poſſit, erit.

FINIS.